

CHAPTER.....

AN ACT relating to agriculture; making various changes concerning brands and marks; clarifying that a person who has the legal authority to act on behalf of the deceased owner of a brand or mark may transfer the ownership of the brand or mark under certain conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the owner of animals that graze upon the open range to design and adopt a brand or other mark to identify his animals, record the brand or mark with the State Department of Agriculture and pay a recording fee. (NRS 564.025, 564.080) The Department's policy allows the owner of a brand or other mark to change his name as it appears in the record maintained by the Department without paying the recording fee if the owner wishes to change his name because of certain specified changes in his circumstances, such as a marriage, divorce or an adoption.

Section 2 of this bill expands the Department's policy and codifies it. **Section 2** authorizes an owner to apply for a change of name in the records on the basis of any event, transaction or other occurrence that results only in a change in the name of the owner and not a change in the ownership of the brand.

The Department's policy requires the owner of a brand or mark who is a minor at the time his brand is recorded to include the name of a parent or guardian in the record. **Section 2** of this bill authorizes such an owner to remove the name of the parent or guardian from the record once the owner turns 18.

Section 2 of this bill requires an owner who requests a change in the record to provide the Department with written proof of the occurrence that is the basis for the change. **Section 2** requires the Department to make the change in the record if doing so does not affect the ownership of the brand or create confusion concerning its ownership. **Section 4** of this bill authorizes the Department to establish a fee for changing the record.

Section 3 of this bill clarifies existing law by specifying that a person who has the legal authority to act on behalf of the owner of a brand who has died may perform any act that is required by the Department to transfer the ownership of the brand. (Title 12 of NRS)

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

Section 1. Chapter 564 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The owner of a brand or brand and mark or marks whose ownership is recorded by the Department pursuant to NRS 564.070 may apply to the Department to amend the record:*

(a) By changing his name as it appears in the record if:



(1) The owner's name is changed by court order pursuant to an adoption, a divorce, an adjudication of paternity, a petition for a change of name or other legal proceeding;

(2) The owner changes his name upon marriage;

(3) The owner transfers the ownership of the brand or brand and mark or marks to or from a revocable trust of which he is a beneficiary;

(4) The record shows that the brand or brand and mark or marks is owned by joint tenants with the right of survivorship and the owner is the surviving joint tenant;

(5) The owner is a partnership, corporation or other business entity and the change in the name of the owner is the result of a change in the identity or form of the business entity or a transfer of the ownership of the brand, brand and mark or marks to a business entity that has identical common ownership; or

(6) The owner applies on the basis of a comparable event, transaction or other occurrence.

(b) By removing the name of a person who is included in the record in the capacity of a parent or guardian of the owner if the owner was a minor at the time his ownership was recorded by the Department and the owner is 18 years of age or older.

2. An application to amend the record pursuant to this section must be:

(a) On a form provided by the Department; and

(b) Accompanied by written proof of the event, transaction or other occurrence that is the basis for the application.

3. If the Department determines that the requested amendment to the record does not affect the ownership of a brand or brand and mark or marks or create confusion concerning its ownership, the Department shall:

(a) Amend the record by changing the name of the owner or removing the name of the parent or guardian of the owner; and

(b) Provide the owner with an amended certificate of recordation.

Sec. 3. 1. Upon the death of the owner of a brand, brand and mark or marks, the personal representative of the deceased owner, or any other person with the legal authority to act on behalf of the deceased owner, may execute any written instrument and perform any other act required by the Department to transfer the ownership of the brand or brand and mark or marks.

2. A person who wishes to act on behalf of a deceased owner pursuant to this section must provide the Department with written proof of his legal authority to act on behalf of the deceased owner.



3. As used in this section, “personal representative” has the meaning ascribed to it in NRS 132.265.

Sec. 4. NRS 564.080 is hereby amended to read as follows:

564.080 Except as otherwise provided in ~~[NRS 564.010 to 564.150, inclusive;]~~ **this chapter**, the Department may establish and collect reasonable fees for:

1. The recording of brands or brands and marks;
2. The rerecording of brands or brands and marks;
3. The recording of instruments transferring ownership of brands or brands and marks;
4. Certificates of recordation or rerecording of brands or brands and marks; ~~for~~
5. **Amending the record of ownership of brands or brands and marks and furnishing amended certificates of recordation; or**
6. The processing and continuing administration of a security agreement, provisional assignment or legal lien relating to a brand or brand and mark or marks of record for purposes of NRS 564.110.

Sec. 5. NRS 564.150 is hereby amended to read as follows:

564.150 Any person violating any of the provisions of ~~[NRS 564.010 to 564.140, inclusive;]~~ **this chapter**:

1. Is guilty of a misdemeanor, except that any person who violates the provisions of subsection 3 of NRS 564.140 is guilty of a gross misdemeanor.
2. In addition to any criminal penalty, shall pay to the Department an administrative fine of not more than \$1,000 per violation.

➡ If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney’s fees, may be recovered by the Department.

Sec. 6. This act becomes effective upon passage and approval.

