

PROPOSED RULES
PROPOSED AMENDMENTS AND PROPOSED REPEALS
TENNESSEE DEPARTMENT OF AGRICULTURE

Presented herein are proposed rules, amendments and/or repeals of the Tennessee Department of Agriculture submitted pursuant to Section 8 of Chapter 370 of the Public Acts of 1975 in lieu of a rulemaking hearing. It is the intent of the Tennessee Department of Agriculture to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which these proposed rules, amendments or repeals are published. Such petition to be effective must be filed in the Staff Attorney's Office at Ellington Agricultural Center, Hogan Road, Nashville, Tennessee, and in the Administrative Procedures Division of the Department of State, 976 Capitol Hill Building, Nashville, Tennessee 37219, and must be signed by twenty-five (25) persons who will be affected by the rule, or submitted by a municipality which will be affected by the rule or an association of twenty-five (25) or more members. The text of the proposed rules, amendments, or repeals is as follows:

PROPOSED RULES
OF
TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL INDUSTRIES

CHAPTER 0080-2-8
REGULATIONS CONCERNING LIVESTOCK DEALER'S
BUSINESS RECORD REQUIREMENTS

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0080-2-8-.01 RECORDS REQUIRED BY THE COMMISSIONER. Each person eligible for licensing under this Act as a Livestock Dealer shall maintain written records on each transaction made involving livestock bought, sold, traded for, or given away.

Statutory Authority: Tennessee Code Annotated, Section 44-1913(1), (5), Acts 1973, Chapter 112, Section 4.

0080-2-8-.02 LENGTH OF TIME RECORDS TO BE MAINTAINED. Records required by the Commissioner shall be maintained and preserved for a period of two (2) years.

Statutory Authority: Tennessee Code Annotated, Section 44-1913(1), (5), Acts 1973, Chapter 112, Section 4.

0080-2-8-.03 INFORMATION TO BE RECORDED.

- (1) Full name and address of the buyer and seller of livestock, which shall reflect the origin and destination of such livestock.
- (2) Date of each purchase, sale, or transaction.
- (3) Date and place of Brucellosis test, when such test is required.

(4) Number of animals involved.

(5) Sufficient individual description of identification so that each animal may be traced to the herd and farm of origin. (This may include breed, sex, age, weight, tattoos, registration numbers, eartag numbers and/or backtag numbers.)

Statutory Authority: Tennessee Code Annotated, Section 44-1913(1), (5), Acts 1973, Chapter 112, Section 4.

0080-2-8-.04 INSPECTION OF RECORDS. All records required by the Commissioner shall be available for inspection by the Commissioner or his representative at any reasonable hour.

Statutory Authority: Tennessee Code Annotated, Section 44-1913(1), (5), Acts 1973, Chapter 112, Section 4.

0080-2-8-.05 NOTICE OF INSPECTION. Persons dealing in livestock within the state shall submit required records for inspection within twenty-four (24) hours of any request by the Commissioner or his representative for such inspection.

Statutory Authority: Tennessee Code Annotated, Section 44-1913(1), (5), Acts 1973, Chapter 112, Section 4.

0080-2-8-.06 AUTHORITY TO MAKE COPIES. The Commissioner or his representative shall have the authority to copy, photograph, or otherwise reproduce all such records as he may deem necessary for official use.

Statutory Authority: Tennessee Code Annotated, Section 44-1913(1), (5), Acts 1973, Chapter 112, Section 4.

0080-2-8-.07 FALSIFICATION OF INFORMATION. Falsification of any information in records which are required by the Commissioner shall be cause for revocation or suspension of livestock dealer license.

Statutory Authority: Tennessee Code Annotated, Section 44-1913 (1), (5), Acts 1973, Chapter 112, Section 4.

I certify that the foregoing constitute proposed rules, proposed amendments to rules, and proposed repeals of rules lawfully promulgated by the Tennessee Department of Agriculture on the 17th day of December, 1976, (The Secretary of State is hereby instructed that, in the absence of a petition for rule-making hearing being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules,

proposed amendments, and proposed repeals as being placed on file in his office as new rules, amendments or repeals at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules, proposed amendments, and proposed repeals are published.)

Edward S. Porter

Edward S. Porter, Commissioner
Tennessee Department of Agriculture

Subscribed and sworn to before me this the 17th day of December, 1976.

William Thomas Brown

Notary Public

My commission expires on the 5th day of November, 1979.

The proposed rules, proposed amendments, and proposed repeals provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Uniform Administrative Procedures Act. (Tennessee Code Annotated, Section 4-507 through Section 4-527 as amended by Chapter 370 of the Public Acts of 1975.)

Brooks McLemore

Brooks McLemore
Attorney General and Reporter

The proposed rules, proposed amendments, and proposed repeals set out herein were properly filed in the Administrative Procedures Division of the Department of State and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 14th day of June, 1977.

Gentry Crowell

Secretary of State

SECRETARY OF STATE
OFFICE OF

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