

Assembly Bill No. 198—Assemblymen Carpenter, Hettrick, Gustavson, Collins, Von Tobel, Neighbors, de Braga and Dini

CHAPTER.....

AN ACT relating to grazing; providing that a grazing preference right is appurtenant to base property; prohibiting a person from being deprived of that right without just compensation under certain circumstances; providing a penalty for willfully or negligently interfering with the herding or grazing of livestock or damaging or destroying certain improvements under certain circumstances; and providing other matters properly relating thereto.

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

Section 1. Chapter 568 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in the Taylor Grazing Act:

(a) A grazing preference right shall be deemed appurtenant to base property; and

(b) If base property or any portion of base property is sold, leased or otherwise transferred, the person to whom the property is sold, leased or otherwise transferred must not be deprived of any grazing preference right that is appurtenant to that property solely on the basis of the sale, lease or other transfer of that property unless the person consents to, or receives just compensation for, the deprivation of that right.

2. Except as otherwise provided in NRS 568.230 to 568.370, inclusive, a person who willfully or negligently:

(a) Interferes with the lawful herding or grazing of livestock on land:

(1) That is base property; or

(2) Other than base property that is located within a grazing district and upon which the livestock are herded or grazed in accordance with a permit to graze livestock issued pursuant to the provisions of the Taylor Grazing Act; or

(b) Damages or destroys a fence, gate, facility for watering livestock or other improvement that is used to sustain livestock and is located on land specified in paragraph (a), is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

3. As used in this section:

(a) "Base property" means any land or water in this state that is owned, occupied or controlled by a person who has obtained an appurtenant grazing preference right for that land or water pursuant to the provisions of the Taylor Grazing Act.

(b) "Grazing preference right" means a right that:

(1) Is conferred upon a person pursuant to the provisions of the Taylor Grazing Act; and

(2) Entitles the person to priority in the issuance of a permit to graze livestock in accordance with those provisions.

(c) "Taylor Grazing Act" has the meaning ascribed to it in NRS 568.010.

Sec. 2. The amendatory provisions of this act do not apply to offenses that are committed before October 1, 1999.

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