
ASSEMBLY BILL NO. 509—ASSEMBLYMAN CARPENTER

MARCH 12, 1999

Referred to Committee on Natural Resources,
Agriculture and Mining

SUMMARY—Authorizes county to gather and sell feral horses. (BDR 50-1587)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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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 animals of the equine species; authorizing a county to gather and sell feral horses; providing for the disposition of the money received from such a sale; authorizing a county to enter into certain cooperative agreements relating to feral horses; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 569 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 9, inclusive, of this act.

3 **Sec. 2.** *As used in this chapter, unless the context otherwise requires,*
4 *“division” means the division of agriculture of the department of*
5 *business and industry.*

6 **Sec. 3. 1.** *As used in sections 3 to 9, inclusive, of this act, unless*
7 *the context otherwise requires, “feral horse” means a horse, mule, burro,*
8 *ass or other animal of the equine species that is running at large upon*
9 *any public or private lands in the State of Nevada and that has reverted*
10 *to a wild state from a domestic state.*

11 **2.** *The term does not include a horse or burro that is subject to the*
12 *jurisdiction of the Federal Government pursuant to the Wild*
13 *Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 to 1340,*
14 *inclusive, and the regulations adopted pursuant thereto, or any other*
15 *federal statute or regulation.*

1 **Sec. 4. 1.** *A county may consult with the Secretary of the Interior,*
2 *the Secretary of Agriculture or a representative from the Bureau of Land*
3 *Management or the United States Forest Service concerning the status of*
4 *any horse or burro that is running at large upon any public or private*
5 *lands that are located within the county.*

6 2. *A feral horse that is running at large upon:*

7 (a) *Any public lands outside of a wild horse or burro area designated*
8 *by the Federal Government; or*

9 (b) *Any private lands,*
10 *that are located within a county shall be deemed for the purpose of this*
11 *section to be the property of the county.*

12 3. *The county has all rights accruing pursuant to the laws of this*
13 *state to owners of such animals, and may:*

14 (a) *Dispose of feral horses by sale through an agent appointed by the*
15 *county; or*

16 (b) *Provide for the control, placement or disposition of feral horses*
17 *through cooperative agreements pursuant to section 5 of this act.*

18 4. *Neither the county nor any other political subdivision of this state*
19 *is liable for trespass or any other damage caused by any of the feral*
20 *horses.*

21 **Sec. 5.** *The county may enter into a cooperative agreement for the*
22 *control, placement or disposition of a feral horse with another county or*
23 *with a city, town, township, agency of this state, peace officer,*
24 *poundmaster or other person.*

25 **Sec. 6. 1.** *Before a county gathers any feral horses, it shall cause*
26 *notice of the gathering to be published in a newspaper of general*
27 *circulation within the county in which the gathering is to take place.*

28 2. *The notice must:*

29 (a) *Be published at least once a week for the 4 weeks preceding the*
30 *gathering;*

31 (b) *Clearly identify the area in which the gathering is to take place*
32 *and the date and time of the gathering;*

33 (c) *Indicate a location where owners or possible owners of the feral*
34 *horses may go to claim a feral horse that was gathered; and*

35 (d) *List the name and telephone number of a person who may be*
36 *contacted if an owner or possible owner is interested in viewing the feral*
37 *horses gathered.*

38 **Sec. 7. 1.** *Except as otherwise provided in subsection 3, if the*
39 *owner or probable owner of a feral horse cannot with reasonable*
40 *diligence be determined by the division, the county shall advertise the*
41 *feral horse or cause it to be advertised.*

1 2. A notice of the feral horse, with a full description, giving brands,
2 marks and colors thereon, must be published in a newspaper published at
3 the county seat of the county in which the feral horse was gathered. If
4 there is no newspaper published at the county seat of the county, the
5 notice must be published in the newspaper published at the nearest
6 location to that county seat.

7 3. The county may sell an injured, sick or otherwise debilitated feral
8 horse without advertising if, as determined by the county, the sale of the
9 feral horse is necessary to facilitate the placement or other disposition of
10 the feral horse. If a feral horse is sold pursuant to this subsection, the
11 division shall give a brand inspection clearance certificate to the
12 purchaser.

13 **Sec. 8. 1.** If a feral horse is not claimed within 5 working days
14 after the last publication of the advertisement required by section 7 of
15 this act, it must be:

16 (a) Sold by the county; or

17 (b) Held by the county until given a placement or other disposition
18 through a cooperative agreement established pursuant to section 5 of this
19 act.

20 2. If the county sells the feral horse, the division shall give a brand
21 inspection clearance certificate to the purchaser.

22 3. Feral horses must be marked or branded before placement in
23 accordance with the provisions of chapter 564 of NRS.

24 **Sec. 9. 1.** Except as otherwise provided pursuant to a cooperative
25 agreement established pursuant to section 5 of this act, the county shall:

26 (a) Pay the reasonable expenses incurred in gathering, holding,
27 advertising and selling a feral horse out of the proceeds of the sale of the
28 feral horse and shall deposit the remaining proceeds in an interest-
29 bearing checking account in a bank qualified to receive deposits of
30 public money. One-half of the remaining proceeds from the sale and
31 one-half of any interest on those proceeds, which are not claimed
32 pursuant to subsection 2 within 1 year after the sale, must be deposited in
33 the county general fund and accounted for separately. The other one-
34 half of the remaining proceeds from the sale and one-half of any interest
35 on those proceeds, which are not claimed pursuant to subsection 2 within
36 1 year after the sale, must be transferred to the division and deposited in
37 the state treasury for credit to the livestock inspection account.

38 (b) Make a complete record of the transaction, including the marks
39 and brands and other means of identification of the feral horse, and shall
40 keep the record open to inspection by the general public.

41 2. If the lawful owner of a feral horse is found within 1 year after its
42 sale and proves ownership to the satisfaction of the county, the net
43 amount received from the sale must be paid to the owner.

1 **3. If any claim pending after the expiration of 1 year after the date of**
2 **sale is denied, one-half of the remaining proceeds from the sale and one-**
3 **half of any interest on those proceeds must be deposited in the county**
4 **general fund and accounted for separately. The other one-half of the**
5 **remaining proceeds from the sale and one-half of any interest on those**
6 **proceeds must be transferred to the division and deposited in the livestock**
7 **inspection account.**

8 **Sec. 10.** NRS 569.005 is hereby amended to read as follows:

9 569.005 As used in NRS 569.010 to 569.130, inclusive, unless the
10 context otherwise requires:

11 1. ~~["Division" means the division of agriculture of the department of~~
12 ~~business and industry.~~

13 ~~—2.]~~ "Estray" means any livestock running at large upon public or
14 private lands in the State of Nevada, whose owner is unknown in the
15 section where the animal is found.

16 ~~13.]~~ 2. "Livestock" means:

- 17 (a) All cattle or animals of the bovine species;
18 (b) All horses, mules, burros and asses or animals of the equine species;
19 (c) All swine or animals of the porcine species;
20 (d) All goats or animals of the caprine species;
21 (e) All sheep or animals of the ovine species; and
22 (f) All poultry or domesticated fowl or birds.