

ASSEMBLY BILL NO. 509—ASSEMBLYMAN CARPENTER

MARCH 12, 1999

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Authorizes county to institute court action on behalf of landowner to require enforcement of federal law requiring removal of wild horses from private property. (BDR 20-1587)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to wild horses; authorizing a county, upon request, to institute an action in federal court on behalf of a landowner requesting a writ of mandamus requiring certain action by federal authorities; 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 244 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. If a wild horse or horses stray onto land which is privately owned,***
4 ***an owner of the land may:***
5 ***(a) Inform the appropriate federal authority; and***
6 ***(b) Request the authority to remove the wild horse or horses from the***
7 ***land,***
8 ***in the manner and form required by the Wild Free-Roaming Horses and***
9 ***Burros Act, 16 U.S.C. §§ 1331 et seq., and the regulations adopted***
10 ***pursuant thereto.***
11 ***2. If the appropriate federal authority fails to remove the wild horse***
12 ***or horses from the land within a reasonable amount of time after***
13 ***receiving a request pursuant to subsection 1, the landowner may:***
14 ***(a) Notify the board of county commissioners in the county in which***
15 ***the land is located of the failure; and***

1 ***(b) Request the county to institute an action in federal court on his***
2 ***behalf requesting a writ of mandamus ordering the appropriate federal***
3 ***authority to remove the wild horse or horses from the land.***

4 ***3. Upon receiving a notification and request pursuant to subsection***
5 ***2, the county may institute an action in a federal court of competent***
6 ***jurisdiction on behalf of the landowner requesting the court to issue a***
7 ***writ of mandamus directing the appropriate federal authority who was***
8 ***notified pursuant to subsection 1 to remove the wild horse or horses from***
9 ***the land. The county shall:***

10 ***(a) Determine whether it will institute such an action; and***

11 ***(b) Notify the landowner of its determination,***
12 ***as soon as practicable after receiving the request.***

13 ***4. A motion filed pursuant to subsection 3 must include a request***
14 ***that the court authorize the county, the division of agriculture of the***
15 ***department of business and industry or a representative of the county or***
16 ***the division to remove the wild horse or horses from the land if the***
17 ***appropriate federal authority is unable or unwilling to do so.***

18 ***5. As used in this section “appropriate federal authority” means a***
19 ***federal agency or officer who is charged with the duties of:***

20 ***(a) Receiving notices from landowners requesting the removal of wild***
21 ***horses from land which is privately owned; and***

22 ***(b) Arranging to have wild horses removed from land which is***
23 ***privately owned,***

24 ***pursuant to the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§***
25 ***1331 et seq., or regulations adopted pursuant thereto.***