
SENATE BILL NO. 310—SENATORS RHOADS, MCGINNESS,
JACOBSEN AND AMODEI

MARCH 3, 1999

Referred to Committee on Natural Resources

SUMMARY—Creates rangeland resources commission. (BDR 50-1419)

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

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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 livestock; creating the rangeland resources commission; providing for its membership; prescribing its powers and duties; imposing a fee for each animal unit month used by a cow or sheep on grazing lands 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:

- 1 **Section 1.** Chapter 563 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 16, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 16, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3 to*
5 *6, inclusive, of this act have the meanings ascribed to them in those*
6 *sections.*
- 7 **Sec. 3.** *“Commission” means the rangeland resources commission*
8 *created by section 7 of this act.*
- 9 **Sec. 4.** *“Grazing lands” means any public lands in this state:*
10 1. *That are managed or controlled by the United States Forest*
11 *Service or the Bureau of Land Management; and*
12 2. *Upon which a person herds or grazes cattle or sheep pursuant to a*
13 *license, lease or permit issued for that purpose by the Secretary of*
14 *Agriculture or the Secretary of the Interior.*

1 **Sec. 5. "Livestock industry" includes, without limitation, the control,**
2 **management and use of grazing lands.**

3 **Sec. 6. "State grazing board" means a state grazing board created**
4 **by the provisions of NRS 568.040.**

5 **Sec. 7. 1. The rangeland resources commission is hereby created.**
6 **The commission consists of:**

7 **(a) One member from each state grazing board;**

8 **(b) The president of the Nevada Cattlemen's Association or its**
9 **successor organization; and**

10 **(c) The president of the Nevada Woolgrowers' Association or its**
11 **successor organization.**

12 **The president of the Nevada Cattlemen's Association or its successor**
13 **organization and the president of the Nevada Woolgrowers' Association**
14 **or its successor organization serve as ex officio members of the**
15 **commission.**

16 **2. Not less than 30 days before the expiration of the term of a**
17 **member of the commission, the state grazing board from which the**
18 **member was appointed shall submit to the governor a written list of two**
19 **persons for appointment to the commission. A person nominated by a**
20 **state grazing board must be a member of that board. If such a list is**
21 **submitted to the governor by a state grazing board within the period**
22 **prescribed in this subsection, the governor shall appoint to the**
23 **commission one member from the list. If the list is not submitted to the**
24 **governor by a state grazing board within that period, the governor shall**
25 **appoint to the commission one member who is a member of that board.**

26 **3. The members of the commission shall elect a chairman and vice**
27 **chairman by a majority vote. After the initial election, the chairman and**
28 **vice chairman serve in that office for a term of 1 year beginning on July**
29 **1 of each year. If a vacancy occurs in the chairmanship, the members of**
30 **the commission shall elect a chairman from among its members to serve**
31 **the remainder of the unexpired term.**

32 **4. After the initial terms, each member of the commission who is**
33 **appointed serves for a term of 4 years.**

34 **5. A vacancy on the commission must be filled in the same manner**
35 **as the original appointment.**

36 **6. Each member of the commission:**

37 **(a) Serves without compensation; and**

38 **(b) While engaged in the business of the commission, is entitled to**
39 **receive the per diem allowance and travel expenses provided for state**
40 **officers and employees generally.**

41 **7. If the commission receives any fees specified in section 13 of this**
42 **act, the per diem allowance and travel expenses of a member of the**
43 **commission must be paid from those fees. If the fees are insufficient to**

1 *pay the per diem allowance and travel expenses of the member, the*
2 *commission shall determine the amount of the per diem allowance and*
3 *travel expenses that is not paid from the fees. After making that*
4 *determination, the commission shall provide a written notice of the*
5 *amount to:*

6 *(a) The Nevada Cattlemen's Association or its successor organization,*
7 *if the member is the president of that association or successor*
8 *organization;*

9 *(b) The Nevada Woolgrowers' Association or its successor*
10 *organization, if the member is the president of that association or*
11 *organization; or*

12 *(c) The state grazing board from which the member was appointed, if*
13 *the member is appointed from a state grazing board.*

14 *Upon receipt of the notice, the association or successor organization or*
15 *the state grazing board shall pay to the commission the amount specified*
16 *in the notice.*

17 **Sec. 8. 1.** *The members of the commission shall meet at least*
18 *quarterly and at the times and places specified by a call of the chairman*
19 *or by a majority of the members of the commission.*

20 **2.** *A majority of the members of the commission constitute a*
21 *quorum, and a quorum may exercise all the powers and duties of the*
22 *commission.*

23 **Sec. 9.** *The commission may:*

24 **1.** *Conduct research and surveys to determine the opinions and*
25 *knowledge of the residents of this state concerning the livestock industry;*

26 **2.** *Establish programs to provide information to the residents of this*
27 *state concerning the livestock industry;*

28 **3.** *Conduct advertising campaigns to promote the livestock industry;*

29 **4.** *Support the responsible control, management or use of grazing*
30 *lands;*

31 **5.** *Compile information concerning the livestock industry and*
32 *disseminate that information to each state grazing board;*

33 **6.** *Make determinations concerning:*

34 *(a) The availability of forage on grazing lands; or*

35 *(b) The emergence of new markets or the expansion of existing*
36 *markets in the livestock industry; and*

37 **7.** *Take any action it determines is necessary to stabilize or protect*
38 *the livestock industry.*

39 **Sec. 10.** *The commission may:*

40 **1.** *Cooperate with any local, state or federal agency or any local,*
41 *state or national organization whose duties and powers are the same as*
42 *or similar to the duties and powers of the commission;*

1 2. Employ such persons or enter into such contracts as it determines
2 are necessary to assist it in carrying out the provisions of sections 2 to 16,
3 inclusive, of this act;

4 3. Grant, donate or expend money:

5 (a) To construct or maintain a range improvement; or

6 (b) For any other purpose beneficial to the livestock industry; and

7 4. Purchase, lease or own any real or personal property.

8 **Sec. 11.** The commission may sue and be sued in any court. A
9 member or employee of the commission is not personally liable for
10 actions that are taken within the scope of the powers and duties of the
11 commission pursuant to the provisions of sections 2 to 16, inclusive, of
12 this act.

13 **Sec. 12.** 1. The commission may apply for or accept any gifts,
14 grants, donations or contributions from any source to assist it in carrying
15 out the provisions of sections 2 to 16, inclusive, of this act.

16 2. Any money the commission receives pursuant to subsection 1 must
17 be deposited in the state treasury pursuant to the provisions of section 14
18 of this act.

19 **Sec. 13.** 1. Not later than January 15 of each year, each person
20 who grazes cattle or sheep on grazing lands shall pay a fee of 10 cents for
21 each animal unit month used by those cattle or sheep on those lands for
22 the immediately preceding year, if the commission enters into an
23 agreement with the United States Forest Service and the Bureau of Land
24 Management to provide for the collection of the fee by the United States
25 Forest Service and the Bureau of Land Management. If an agreement is
26 entered into pursuant to the provisions of this subsection, the agreement
27 must specify:

28 (a) The manner in which the fee must be paid to:

29 (1) The United States Forest Service, if the person grazes cattle or
30 sheep on grazing lands managed or controlled by the United States
31 Forest Service; or

32 (2) The Bureau of Land Management, if the person grazes cattle or
33 sheep on grazing lands managed or controlled by the Bureau of Land
34 Management; and

35 (b) The period during which the United States Forest Service and the
36 Bureau of Land Management must report and remit to the commission
37 the fees collected by the United States Forest Service and the Bureau of
38 Land Management pursuant to the agreement.

39 2. Any person who pays a fee to the United States Forest Service or
40 the Bureau of Land Management pursuant to the provisions of
41 subsection 1 may, not earlier than January 15 of each year and not later
42 than February 15 of that year, apply to the commission for a refund of
43 the fee paid for the immediately preceding year. The application must be

1 submitted on a form prescribed by the commission. Upon receipt of the
2 request and after determining that the fee has been paid by the person
3 requesting the refund, the commission shall, within 60 days after making
4 that determination, refund to that person an amount equal to the fee paid
5 by the person.

6 3. As used in this section, "animal unit month" means the amount of
7 forage required to sustain one cow or one sheep for 1 month.

8 **Sec. 14. 1.** Any money the commission receives pursuant to
9 sections 12 and 13 of this act:

10 (a) Must be deposited in the state treasury and accounted for
11 separately in the state general fund;

12 (b) May be used by the commission only for the costs of carrying out
13 the provisions of sections 2 to 16, inclusive, of this act; and

14 (c) Does not revert to the state general fund at the end of any fiscal
15 year.

16 2. Any interest or income earned on the money in the account must
17 be credited to the account. Any claims against the account must be paid
18 in the manner that other claims against the state are paid.

19 **Sec. 15. 1.** Except as otherwise provided in subsection 2 and
20 section 7 of this act, any costs the commission incurs in carrying out the
21 provisions of sections 2 to 16, inclusive, of this act must be paid from the
22 money deposited in the state treasury pursuant to the provisions of
23 section 14 of this act.

24 2. If the amount of money deposited in the state treasury pursuant to
25 section 14 of this act is insufficient to pay any cost incurred by the
26 commission in carrying out the provisions of sections 2 to 16, inclusive,
27 of this act, the commission shall:

28 (a) Determine the amount of the cost that is not paid from that
29 money; and

30 (b) Divide that amount by the number of members who serve on the
31 commission on the date the determination is made by the commission
32 pursuant to paragraph (a).

33 3. After determining the amount of the cost pursuant to subsection 2,
34 the commission shall provide a written notice of the amount to:

35 (a) The Nevada Cattlemen's Association or its successor organization;

36 (b) The Nevada Woolgrowers' Association or its successor
37 organization; and

38 (c) Each state grazing board.

39 Upon receipt of the notice, the association or its successor organization
40 and each state grazing board shall pay to the commission the amount
41 specified in the notice.

1 **Sec. 16.** *The commission may adopt such regulations as are*
2 *necessary to carry out the provisions of sections 2 to 16, inclusive, of this*
3 *act.*

4 **Sec. 17.** NRS 568.120 is hereby amended to read as follows:

5 568.120 Each state grazing board may pay ~~{moneys}~~ **money** out of the
6 range improvement fund of its grazing district:

7 1. For the construction and maintenance of range improvements or any
8 other purpose beneficial to the stock raising and ranching industries and ~~{~~
9 ~~in turn,}~~ the counties situated within the grazing district concerned. ~~{None~~
10 ~~of the funds shall}~~ **The money must not** be used for projects involving
11 construction or maintenance ~~{, or both,}~~ of range improvements on public
12 or state lands unless some legally constituted and authorized federal, state,
13 county or city department, division, bureau, service, board or commission
14 is available for and authorized and willing to undertake direct management
15 and supervision of the project concerned.

16 2. For the payment of ~~{proper}~~ **the** administrative costs of the board,
17 including travel expenses and subsistence allowances of its members, and
18 for the payment of the services of its secretary and his necessary office
19 expenses and for the services of its attorney.

20 3. For contributions to defray costs and expenses for activities and
21 projects incurred under its written authorization by the central committee of
22 Nevada state grazing boards as provided for under NRS 568.170 to
23 568.200, inclusive.

24 **4.** *For any costs incurred by the rangeland resources commission*
25 *created by section 7 of this act, if the state grazing board receives a notice*
26 *from the commission for the payment of those costs pursuant to section 7*
27 *or 15 of this act.*

28 **Sec. 18.** 1. Not later than September 1, 1999, each state grazing
29 board shall submit to the governor a written list of two persons for
30 appointment to the rangeland resources commission created by section 7 of
31 this act. Each person included in the list must be a member of the state
32 grazing board that submits the list.

33 2. As soon as practicable after October 1, 1999, the appointed
34 members of the rangeland resources commission must be appointed by the
35 governor from the lists submitted pursuant to subsection 1 to initial terms
36 as follows:

37 (a) Two members to terms that expire on October 1, 2000;

38 (b) Two members to terms that expire on October 1, 2001; and

39 (c) Three members to terms that expire on October 1, 2002.

40 The governor shall not appoint more than one person from each list
41 submitted pursuant to subsection 1.

1 **Sec. 19.** The provisions of this act become effective on July 1, 1999,
2 for the purpose of appointing the members of the rangeland resources
3 commission created by section 7 of this act, and on October 1, 1999, for all
4 other purposes.

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