

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 certain animal unit months that are allocated to a person who grazes cattle or sheep on grazing lands; 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 14, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 14, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3, 4*
5 *and 5 of this act have the meanings ascribed to them in those sections.*
- 6 **Sec. 3.** *“Commission” means the rangeland resources commission*
7 *created by section 6 of this act.*
- 8 **Sec. 4.** *“Grazing lands” means any public lands in this state:*
9 1. *That are managed or controlled by the United States Forest*
10 *Service or the Bureau of Land Management; and*
11 2. *Upon which a person herds or grazes cattle or sheep pursuant to a*
12 *license, lease or permit issued for that purpose by the Secretary of*
13 *Agriculture or the Secretary of the Interior.*
- 14 **Sec. 5.** *“State grazing board” means a state grazing board created*
15 *by the provisions of NRS 568.040.*
- 16 **Sec. 6. 1.** *The rangeland resources commission is hereby created.*
17 *The commission consists of:*
18 (a) *One member from each state grazing board; and*

1 **(b) The president of:**

2 **(1) The Nevada Cattlemen's Association or its successor**
3 **organization;**

4 **(2) The Nevada Woolgrowers' Association or its successor**
5 **organization; and**

6 **(3) The Nevada Farm Bureau or its successor organization.**

7 **Each member specified in this paragraph serves as an ex officio member**
8 **of the commission.**

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

19 **3. The president of the Nevada Cattlemen's Association or its**
20 **successor organization serves as the chairman of the commission. The**
21 **members of the commission shall elect a vice chairman by a majority**
22 **vote. After the initial election, the vice chairman serves in that office for**
23 **a term of 1 year beginning on July 1 of each year. If a vacancy occurs in**
24 **the vice chairmanship, the members of the commission shall elect a vice**
25 **chairman from among its members to serve for the remainder of the**
26 **unexpired term.**

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

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

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

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

33 **(b) While engaged in the business of the commission, and to the**
34 **extent that money is available for that purpose from the fees collected**
35 **pursuant to section 11 of this act, is entitled to receive the per diem**
36 **allowance and travel expenses provided for state officers and employees**
37 **generally.**

38 **7. The per diem allowance and travel expenses of a member of the**
39 **commission must be paid from the fees collected pursuant to section 11**
40 **of this act.**

41 **Sec. 7. 1. The members of the commission shall meet at least**
42 **quarterly and at the times and places specified by a call of the chairman**
43 **or by a majority of the members of the commission.**

1 2. A majority of the members of the commission constitute a
2 quorum, and a quorum may exercise all the powers and duties of the
3 commission.

4 **Sec. 8.** The commission may:

5 1. Conduct research and surveys to determine the opinions and
6 knowledge of the residents of this state concerning the livestock industry;

7 2. Establish programs to provide information to the residents of this
8 state concerning the livestock industry;

9 3. Conduct advertising campaigns to promote the livestock industry;

10 4. Support the responsible control, management or use of grazing
11 lands;

12 5. Compile information concerning the livestock industry and
13 disseminate that information to each state grazing board;

14 6. Make determinations concerning:

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

16 (b) The emergence of new markets or the expansion of existing
17 markets in the livestock industry; and

18 7. Take any action it determines is necessary to stabilize or protect
19 the livestock industry.

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

21 1. Cooperate with any local, state or federal agency or any local,
22 state or national organization whose duties and powers are the same as
23 or similar to the duties and powers of the commission;

24 2. Employ such persons or enter into such contracts as it determines
25 are necessary to assist it in carrying out the provisions of sections 2 to 14,
26 inclusive, of this act;

27 3. Grant, donate or expend money:

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

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

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

31 **Sec. 10.** 1. The commission may apply for or accept any gifts,
32 grants, donations or contributions from any source to assist it in carrying
33 out the provisions of sections 2 to 14, inclusive, of this act.

34 2. Any money the commission receives pursuant to subsection 1 must
35 be deposited in the state treasury pursuant to the provisions of section 12
36 of this act.

37 **Sec. 11.** 1. Except as otherwise provided in subsection 2, the
38 commission shall, not later than January 15 of each year, charge and
39 collect from each person who grazes cattle or sheep on grazing lands a
40 fee of not less than 10 cents or more than 30 cents for each animal unit
41 month that is allocated by the United States Forest Service or the Bureau
42 of Land Management to that person for those cattle or sheep on those
43 grazing lands for the immediately preceding year.

1 2. *The commission may enter into an agreement with the United*
2 *States Forest Service and the Bureau of Land Management to provide*
3 *for the collection of the fee by the United States Forest Service and the*
4 *Bureau of Land Management. If an agreement is entered into pursuant*
5 *to the provisions of this subsection, the agreement must specify:*

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

7 (1) *The United States Forest Service, if the person grazes cattle or*
8 *sheep on grazing lands managed or controlled by the United States*
9 *Forest Service; or*

10 (2) *The Bureau of Land Management, if the person grazes cattle or*
11 *sheep on grazing lands managed or controlled by the Bureau of Land*
12 *Management; and*

13 (b) *The period during which the United States Forest Service and the*
14 *Bureau of Land Management must report and remit to the commission*
15 *the fees collected by the United States Forest Service and the Bureau of*
16 *Land Management pursuant to the agreement.*

17 3. *A person who pays the fee required by this section may, not earlier*
18 *than January 15 of each year and not later than February 15 of that*
19 *year, apply to the commission for a refund of the fee paid for the*
20 *immediately preceding year. The application must be submitted on a*
21 *form prescribed by the commission. Upon receipt of the request and after*
22 *determining that the fee has been paid by the person requesting the*
23 *refund, the commission shall, within 60 days after making that*
24 *determination, refund to that person an amount equal to the fee paid by*
25 *the person.*

26 4. *As used in this section, "animal unit month" means the amount of*
27 *forage required to sustain one cow or its equivalent for 1 month.*

28 **Sec. 12. 1.** *Any money the commission receives pursuant to*
29 *sections 10 and 11 of this act:*

30 (a) *Must be deposited in the state treasury and accounted for*
31 *separately in the state general fund;*

32 (b) *May be used by the commission only for the costs of carrying out*
33 *the provisions of sections 2 to 14, inclusive, of this act; and*

34 (c) *Does not revert to the state general fund at the end of any fiscal*
35 *year.*

36 2. *Any interest or income earned on the money in the account must*
37 *be credited to the account. Any claims against the account must be paid*
38 *in the manner that other claims against the state are paid.*

39 **Sec. 13. 1.** *If a person fails to pay the fee required by section 11 of*
40 *this act, the commission may provide a written notice of that fact to the*
41 *attorney general or the district attorney of the county in which the person*
42 *resides.*

1 2. *A person who fails to pay the fee required by section 11 of this act*
2 *shall:*

3 (a) *For the first violation, pay a civil penalty of not more than \$250.*

4 (b) *For the second violation, pay a civil penalty of not more than*
5 *\$500.*

6 (c) *For the third or subsequent violation, pay a civil penalty of not*
7 *more than \$750.*

8 **Sec. 14.** *The division of agriculture of the department of business*
9 *and industry shall, within the resources available to it, provide*
10 *administrative services to the commission to assist the commission in*
11 *carrying out the provisions of sections 2 to 14, inclusive, of this act.*

12 **Sec. 15.** 1. Not later than September 1, 1999, each state grazing
13 board shall submit to the governor a written list of two persons for
14 appointment to the rangeland resources commission created by section 6 of
15 this act. Each person included in the list must be a member of the state
16 grazing board that submits the list.

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

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

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

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

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

26 **Sec. 16.** The provisions of this act become effective on July 1, 1999,
27 for the purpose of appointing the members of the rangeland resources
28 commission created by section 6 of this act, and on October 1, 1999, for all
29 other purposes.