

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 authorized for use 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 and may designate another person to serve on his**
9 **behalf.**

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

20 **3. The members of the commission shall elect a chairman and vice**
21 **chairman by a majority vote. After the initial election, the chairman and**
22 **vice chairman serve in the office for a term of 1 year beginning on July 1**
23 **of each year. If a vacancy occurs in the chairmanship or vice**
24 **chairmanship, the members of the commission shall elect a chairman or**
25 **vice 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 on grazing lands;

8 2. Establish programs to provide information to the residents of this
9 state concerning the livestock industry on grazing lands;

10 3. Conduct advertising campaigns to promote the livestock industry
11 on grazing lands;

12 4. Support the responsible control, management or use of grazing
13 lands;

14 5. Compile information concerning the livestock industry on grazing
15 lands and disseminate that information to each state grazing board;

16 6. Make determinations concerning the availability of forage on
17 grazing lands; and

18 7. Take any action it determines is necessary to stabilize the livestock
19 industry on grazing lands.

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

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

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

28 3. Grant, donate or expend money:

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

30 (b) For any other purpose beneficial to the livestock industry on
31 grazing lands; and

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

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

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

39 **Sec. 11.** 1. The commission shall, not later than January 15 of
40 each year, charge and collect from each person who grazed cattle or
41 sheep on grazing lands during the preceding calendar year a fee of 10

1 cents for each animal unit month that he was authorized by the United
2 States Forest Service or the Bureau of Land Management to use during
3 the immediately preceding year.

4 2. A person who pays the fee required by this section may, not earlier
5 than January 15 of each year and not later than February 15 of that
6 year, apply to the commission for a refund of the fee paid for the
7 immediately preceding year. The application must be submitted on a
8 form prescribed by the commission. Upon receipt of the request and after
9 determining that the fee has been paid by the person requesting the
10 refund, the commission shall, within 60 days after making that
11 determination, refund to that person an amount equal to the fee paid by
12 the person.

13 3. As used in this section, “animal unit month” means the amount of
14 forage required to sustain one cow or its equivalent for 1 month.

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

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

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

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

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

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

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

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

33 (b) For the second violation, pay a civil penalty of not more than
34 \$500.

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

37 **Sec. 13.5. 1.** On or before June 1 of each year, the commission
38 shall submit to the director of the department of administration a
39 financial statement setting forth:

40 (a) The assets and obligations of the commission; and

41 (b) The amount of the fees, if any:

42 (1) Collected by the commission pursuant to the provisions of
43 section 11 of this act for the immediately preceding calendar year; and

1 *(2) Refunded by the commission pursuant to that section for that*
2 *year.*

3 *2. On or before July 1 of each year, the governor shall proclaim the*
4 *percentage of the fees collected pursuant to subsection 1 of section 11 of*
5 *this act for the immediately preceding calendar year that were refunded*
6 *by the commission pursuant to the provisions of subsection 2 of section*
7 *11 of this act. The director of the department of administration shall*
8 *transmit a copy of the proclamation to the director of the legislative*
9 *counsel bureau.*

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

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

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

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

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

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

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

28 **Sec. 16.** The provisions of this act:

29 1. Become effective on July 1, 1999, for the purpose of appointing the
30 members of the rangeland resources commission created by section 6 of
31 this act, and on October 1, 1999, for all other purposes.

32 2. Expire by limitation on December 31 of the first year during which
33 the governor proclaims that the amount of the fees refunded by the
34 rangeland resources commission pursuant to the provisions of section 11 of
35 this act for the immediately preceding calendar year is more than 50
36 percent of the fees collected by the commission pursuant to that section for
37 that calendar year. The commission may continue to operate after
38 December 31 of the year the proclamation is issued to dispose of any
39 property owned by the commission and to take any other action necessary
40 to dissolve the commission, but in no case may the commission charge or
41 collect any fees pursuant to the provisions of sections 2 to 14, inclusive, of
42 this act after the provisions of this act expire by limitation, other than to
43 collect any fees owed for a previous year. If the provisions of this act

1 expire by limitation pursuant to this subsection, the commission shall, as
2 soon as practicable after taking all actions necessary to dissolve the
3 commission, refund any money remaining in the account created by section
4 12 of this act to each person who paid the fee required by section 11 of this
5 act for the calendar year immediately preceding the year in which the
6 provisions expire by limitation and who did not receive a refund of that fee
7 pursuant to that section. Each of those persons must be paid a pro rata share
8 of the remaining amount based on the ratio of the number of animal unit
9 months for which he paid the fee to the total fees paid for animal unit
10 months and not refunded.

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