

SENATE BILL NO. 316—SENATORS
SETTELMAYER AND HANSEN

MARCH 18, 2019

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing actions relating to state lands. (BDR 26-53)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: 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 state lands; prohibiting certain actions relating to state lands; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing federal law, a person may be subject to punishment for
2 committing a misdemeanor if the person: (1) encloses or asserts a right to any
3 public lands without a claim or color of title to the public lands; or (2) by force,
4 threats, intimidation or any other unlawful means, prevents or obstructs the free
5 passage or transit over the public lands. (43 U.S.C. §§ 1061, 1063, 1064) **Sections**
6 **2 and 3** of this bill enact similar provisions in this State. Specifically, **section 2**
7 makes it unlawful for a person to construct a fence or otherwise enclose any state
8 land or to assert an exclusive right to use and occupy any state land if the person
9 has no leasehold interest in or claim or color of title to the state land. **Section 3**
10 makes it unlawful for a person, by force, threat, intimidation or any other unlawful
11 means, to prevent or obstruct the free passage or transit over or through any state
12 land if the person has no leasehold interest in or claim or color of title to the state
13 land.

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

1 **Section 1.** Chapter 321 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *It is unlawful for any person to:***



* S B 3 1 6 *

1 (a) Construct, maintain or control any fence or other barrier
2 enclosing any state land; or

3 (b) Assert any right to the exclusive use and occupancy of any
4 state land,

5 ↳ if the person has no leasehold interest, claim or color of title,
6 made or acquired in good faith, in or to the state land included
7 within the enclosure or for which the right is asserted.

8 2. A person who violates a provision of subsection 1 is guilty
9 of a misdemeanor.

10 **Sec. 3. 1.** It is unlawful for any person, by force, threat or
11 intimidation, or by fencing or otherwise enclosing, or by any other
12 unlawful means, to prevent or obstruct the free passage or transit
13 over or through any state land if the person has no leasehold
14 interest, claim or color of title, made or asserted in good faith, in
15 or to the state land.

16 2. A person who violates a provision of subsection 1 is guilty
17 of a misdemeanor.

18 **Sec. 4.** This act becomes effective on July 1, 2019.

