

PRESERVATION OF WILD HORSES

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NRS 504.430 Definitions.

As used in NRS 504.430 to 504.490, inclusive:

1. "Administrator" means the administrator of the commission.
2. "Commission" means the commission for the preservation of wild horses.
3. "Director" means the director of the state department of conservation and natural resources.
4. "Heil trust" means the money given to the state by the Estate of Leo Heil for the preservation of wild horses in Nevada.
5. "Wild horse" means a horse, mare or colt which is unbranded and unclaimed and lives on public land.

(Added to NRS by 1985, 1887; A 1991, 910; 1997, 2532)

NRS 504.440 Commission for preservation of wild horses: Creation; membership; terms and compensation of members; meetings.

1. There is hereby created in the state department of conservation and natural resources the commission for the preservation of wild horses. The commission consists of five members appointed by the governor as follows:
 - (a) A representative of an organization whose purpose is to preserve wild horses and whose headquarters are in Nevada;
 - (b) An owner or manager of property used for ranching; and
 - (c) Three members of the general public who:
 - (1) Are not engaged in ranching or farming; and
 - (2) Have not been previously engaged in efforts to protect wild horses.
2. After the initial terms, the members shall serve terms of 3 years. Any vacancy in the membership must be filled for the unexpired term.
3. Each member of the commission is entitled to receive a salary of not more than \$80, as fixed by the commission, for each day he is engaged in the business of the commission.
4. While engaged in the business of the commission, each member of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
5. The commission shall meet at least quarterly each year and on the call of the administrator or any two members.

(Added to NRS by 1985, 1887; A 1989, 1717, 1999; 1997, 2533)

NRS 504.450 Heil trust fund for wild horses.

1. There is hereby created as a trust fund, the Heil trust fund for wild horses. The fund is a continuing fund without reversion. All money received from the Heil trust, and all money from any other source designated for deposit in the fund, must be deposited in that fund. The director shall administer the fund.
2. The money in the fund must be invested as other money of the state is invested. All interest earned on the deposit or investment of the money in the fund must be credited to that fund.
3. The director shall authorize the expenditure of the interest and principal of the fund but the principal of the fund must not be reduced to less than \$900,000, unless the money is needed for an emergency and the expenditure is approved by the legislature, if it is in session, or the interim finance committee. Claims against the fund must be paid as other claims against the state are paid.
4. The expenses of the commission must be paid from the interest earned on the deposit or investment of the money in the fund.

(Added to NRS by 1985, 1887; A 1991, 910; 1997, 2533)

NRS 504.460 Appointment and duties of administrator of commission; prerequisites to filing of certain protests or appeals on behalf of commission; review by commission.

1. The director shall appoint an administrator who is in the unclassified service of the state and serves at the pleasure of the director. The administrator must have substantial knowledge of wild horses and their habitat and an interest in their protection. The administrator shall appoint any clerical or technical employees necessary to carry out his duties.
2. The administrator shall:
 - (a) Carry out the policies of the commission; and
 - (b) Act as the recording secretary for the commission.
3. No written protest, petition for judicial review or appeal of an administrative decision concerning the management of wild horses may be filed in any action or proceeding on behalf of the commission by the administrator or any other person unless the filing is approved by the director and a copy of the filing is provided to:
 - (a) Each person who is authorized to graze livestock on the public land which is the subject of the filing;
 - (b) The chairman of the board of county commissioners of each county where any part of the public land that is the subject of the filing is located; and
 - (c) Each member of the commission.

The commission shall review the matter concerning the filing at its next meeting.

(Added to NRS by 1985, 1888; A 1997, 2534)

NRS 504.470 Powers and duties of commission.

1. The primary duties of the commission are to preserve viable herds of wild horses on public lands designated by the Secretary of the Interior as sanctuaries for the protection of wild horses and burros pursuant to 16 U.S.C. § 1333(a), at levels known to achieve a thriving natural ecological balance, within the limitations of the natural resources of those lands and the use of those lands for multiple purposes, and to identify programs for the maintenance of those herds. To carry out these duties, the commission shall:
 - (a) Promote the management and protection of wild horses;

- (b) Act as liaison between the state, the general public and interested organizations on the issue of the preservation of wild horses;
- (c) Advise the governor on the status of wild horses in Nevada and the activities of the commission;
- (d) Solicit and accept contributions for the Heil trust fund for wild horses;
- (e) Recommend to the legislature legislation which is consistent with federal law;
- (f) Develop, identify, initiate, manage and coordinate projects to study, preserve and manage wild horses and their habitat;
- (g) Monitor the activities of state and federal agencies, including the military, which affect wild horses;
- (h) Participate in programs designed to encourage the protection and management of wild horses;
- (i) Develop and manage a plan to educate and inform the public of the activities of the commission for the preservation of wild horses;
- (j) Report biennially to the legislature concerning its programs, objectives and achievements; and
- (k) Take any action necessary to fulfill the intent of the Heil trust.

2. The commission may:

- (a) Grant an award in an amount it considers appropriate for information leading to the conviction of a person who violates federal or state laws concerning wild horses; and
- (b) Adopt regulations necessary to carry out the purposes of NRS 504.430 to 504.490, inclusive. (Added to NRS by 1985, 1888; A 1991, 911; 1997, 2534)

NRS 504.480 Agreements with Federal Government

The commission may enter into agreements with the Federal Government to:

- 1. Coordinate research by state and federal agencies concerning wild horses and their habitat.
- 2. Create a range for wild horses for the study of wild horses and to allow the public to view them in their natural habitat.
- 3. Finance improvements to benefit wild horses on federal lands.
- 4. Coordinate efforts to apprehend and prosecute violators of federal and state laws concerning wild horses.

(Added to NRS by 1985, 1889; A 1991, 912)

NRS 504.485 Wildlife agencies required to confer with commission regarding consultations with Secretary of Interior.

The wildlife agencies of this state which consult with the Secretary of the Interior pursuant to 16 U.S.C. § 1333(b)(1) regarding wild horses and burros in this state, shall confer with the commission regarding those consultations and allow the commission to participate in those consultations to the extent possible.

(Added to NRS by 1991, 910)

NRS 504.490 Unlawful acts; penalty.

Any person, not authorized to do so, who:

1. Removes or attempts to remove a wild horse from the public lands;
2. Converts a wild horse to private use;
3. Harasses a wild horse or kills a wild horse;
4. Uses an aircraft or a motor vehicle to hunt any wild horse;
5. Pollutes or causes the pollution of a watering hole on public land to trap, wound, kill or maim a wild horse;
6. Makes or causes the remains of a wild horse to be made into any commercial product;
7. Sells a wild horse which strays onto private property; or
8. Willfully violates a regulation adopted by the commission for the preservation of wild horses, is guilty of a gross misdemeanor.

(Added to NRS by 1985, 1889)

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