

LAWS PERTAINING TO THE OWNERSHIP, MANAGEMENT AND DISPOSITION OF VIRGINIA RANGE HORSES.

Please note: This discussion about statutes pertaining to the ownership, management and disposition of the horses of the Virginia Range is based on research of the State Archives (Legislative Committee Minutes,) the actual language found in Chapter 569 of the Nevada Revised Statutes, and discussions with former Nevada Department of Agriculture officials as to how these statutes were historically applied.

PURPOSE OF THIS DISCUSSION

The Nevada Revised Statutes have been routinely twisted to suit the desires of various bureaucrats. However the Nevada State Legislature has designed a coherent set of laws that address the management and disposition of the free-roaming horses of the Virginia Range. These laws are described below. The actual text of the statutes follows the discussion.

DISCUSSION

NRS 569.008 The Virginia Range horses are defined as feral livestock. The legislative record makes it clear that this statute was added to distinguish the Virginia Range horses from escaped estrays. ("Estrays" are privately owned livestock that have escaped and/or are roaming at large outside their designated grazing areas.)

NRS 569.010 The Virginia Range horses are the property of the Department of Agriculture. (Given that the Department of Agriculture is a state agency, the horses are therefore also public property.)

Virginia Range horses are further distinguished from estrays in NRS 569.080, a section that addresses estrays and feral livestock. Subsection (2) specifically notes that feral livestock are to be sold pursuant to NRS 569.075 or placed pursuant to NRS 569.031.

NRS 569.075 specifically states that if the horses cannot be placed, then the department may sell them. This section also sets forth very specific public notice requirements. However this section has "if - then" language. If the horses can't be placed, then the Department may sell them following the publishing of required advertisements.

NRS 569.031 establishes a system of "cooperators," non-profit groups who can carry out the mission of managing and placing Virginia Range horses under the supervision of the Department, but at no cost to the taxpayers.

CITATIONS (ACTUAL TEXT OF CHAPTER 569)

NRS 569.008 “Feral livestock” defined. “Feral livestock” means any formerly domesticated livestock or progeny of domesticated livestock which have become wild and are running at large upon public or private lands in the State of Nevada, and which have no physical signs of domestication. The term does not include horses or burros that are subject to the jurisdiction of the Federal Government pursuant to the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 to 1340, inclusive, and any regulations adopted pursuant thereto, or any other federal statute or regulation.

(Added to NRS by 2003, 2152)

NRS 569.010 Estrays and feral livestock deemed property of Department; control, placement and disposition of estrays and feral livestock; disposition of money; liability.

1. Except as otherwise provided by law, all estrays and feral livestock within this state shall be deemed for the purpose of this section to be the property of the Department.

The Department has all rights accruing pursuant to the laws of this state to owners of those animals, and may:

- (a) Dispose of estrays and feral livestock by sale through an agent appointed by the Department;
- or
- (b) Provide for the control, placement or disposition of estrays and feral livestock through cooperative agreements pursuant to NRS 569.031.

2. Except as otherwise provided by law, all money collected for the sale or for the injury or killing of any such animals must be held for 1 year, subject to the claim of any person who can establish legal title to any animal concerned. All money remaining unclaimed must be deposited in the Livestock Inspection Account after 1 year. The Department may disallow all claims if it deems the claims illegal or not showing satisfactory evidence of title.

3. The Department or any political subdivision of this state is not liable for any trespass or other damage caused by any of those estrays or feral livestock.

[1:200:1925; NCL § 3993]—(NRS A 1959, 641; 1961, 546; 1991, 1794; 1993, 295, 1744; 1995, 579; 1997, 461; 1999, 3682; 2003, 2153)

NRS 569.080 Sale, placement or other disposition of unclaimed estray; sale or placement of unclaimed feral livestock; issuance of brand inspection clearance certificate upon sale; marking, branding or identifying required before sale or placement.

1. If an estray is not claimed within 5 working days after the last publication of the advertisement required by NRS 569.070, it must be:

- (a) Sold by the Department; or
- (b) Held by the Department until the estray is given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

2. If feral livestock is not claimed by the date of sale published pursuant to NRS 569.075, the feral livestock must be sold by the Department pursuant to NRS 569.075 or placed pursuant to NRS 569.031.

3. If the Department sells the stray or feral livestock, the Department shall give a brand inspection clearance certificate to the purchaser.

4. Estrays and feral livestock must be marked, branded or identified with an individual animal identification before sale or placement.

[6:27:1923; NCL § 3983]—(NRS A 1961, 548; 1993, 295, 1745; 1995, 579; 1997, 463; 1999, 3684; 2003, 2155)

NRS 569.075 Sale of feral livestock gathered by Department; publication of notice of sale of feral livestock; sale of injured or debilitated feral livestock.

1. The Department may sell all feral livestock which it has gathered if the Department determines that the sale of the feral livestock is necessary to facilitate the placement or other disposition of the feral livestock.

2. Except as otherwise provided in subsection 3, before the Department may sell feral livestock, the Department must publish notice of the sale of the feral livestock in a newspaper published at the county seat of the county in which the gathering of the feral livestock occurred. If there is no newspaper published at the county seat of the county, the notice must be published in the newspaper published at the nearest point to that county seat. A notice of a sale published pursuant to this section need not include full descriptions of the feral livestock, but may include such information and details as the Department determines necessary.

3. The Department may sell injured, sick or otherwise debilitated feral livestock if, as determined by the Department, the sale of the feral livestock is necessary to facilitate the placement or other disposition of the feral livestock. If feral livestock is sold pursuant to this subsection, the Department shall give a brand inspection clearance certificate to the purchaser.

(Added to NRS by 2003, 2152)

NRS 569.031 Cooperative agreements for control, placement or disposition of livestock: Required provisions; annual review by Department; cancellation. The Department may enter into a cooperative agreement for the control, placement or disposition of the livestock with another agency of this state or with a county, city, town, township, peace officer, poundmaster or nonprofit organization. If an agreement is entered into, it must provide for:

1. The responsibility for the payment of the expenses incurred in taking up, holding, advertising and making the disposition of the stray or feral livestock, and any damages for trespass allowed pursuant to NRS 569.440;

2. The disposition of any money received from the sale of the livestock;

3. The protection of the rights of a lawful owner of an stray or feral livestock pursuant to NRS 569.040 to 569.130, inclusive; and

4. The designation of the specific geographic area of this state to which the cooperative agreement applies.

=> The Department shall annually review the actions of the cooperating person or entity for compliance with the agreement. The Department may cancel the agreement upon a finding of noncompliant actions.
(Added to NRS by 1993, 294; A 1995, 649; 1997, 462; 1999, 3683; 2003, 2153)