

WALKER RIVER PAIUTE TRIBE

LAW AND ORDER CODE

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19-10 JURISDICTION AND AUTHORITY

19-10-010 Jurisdiction - The Tribal Court shall have jurisdiction over any acts that may be in violation of this Ordinance.

19-10-020 Jurisdiction Over Land Use - It is within the authority of the Secretary of the Interior to protect Indian Tribal lands against waste. Subject to regulations of this part, the right exists for Indian tribes to authorize the granting of permits upon their tribal lands and to prescribe by appropriate tribal action the conditions under which their lands may be used.

19-10-030 Jurisdiction Over Contagious Diseased Livestock - The Tribal Court shall have jurisdiction over any and all contagious diseased livestock whether Indian or non-Indian owned, which have been moved or driven across any portion of the reservation.

19-10-040 Authority to Charter Subordinate Organizations - Pursuant to Article VI, Section O, of the Walker River Paiute Tribal Constitution and By-Laws, the Walker River Tribal Council has the authority to Charter Subordinate Organizations.

19-20 DEFINITIONS

The following words have the meanings given below when used in this Law and Order Code:

19-20-010 (a) "Tribe" means the Walker River Paiute Tribe.

19-20-020 (b) "Secretary" means the Secretary of the Interior.

19-20-030 (c) "Superintendent" means the Superintendent of the Western Nevada Agency of the Bureau of Indian Affairs.

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- 19-20-040 (d) "Individually owned land" means land or any interest therein held in trust by the United States for the benefit of individual Indians subject to Federal restrictions against alienation or encumbrance.
- 19-20-050 (e) "Tribal Land" means land or any interest therein held by the United States in trust for the Tribe.
- 19-20-060 (f) "Range Unit" means a tract of range land designated as a management unit for administration of grazing. A range unit may consist of tribal land or individually owned land or any combination thereof consolidated for grazing administration.
- 19-20-070 (g) "Permit" means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land.
- 19-20-080 (h) "Area Director" means the Director of any established area of the Bureau of Indian Affairs.
- 19-20-090 (i) "Allocation" means the apportionment of grazing privileges without competitive bidding including the determination of who may graze livestock, and the place such livestock will be grazed.
- 19-20-100 (j) "Cooperative Association" means the Walker River Livestock Cooperative Association.
- 19-20-110 (k) "Majority" means at least one more than  $\frac{1}{2}$  of the active membership of the Cooperative Association.

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- 19-20-120 (1) "Livestock" means:
- (1) All cattle or animals of the bovine species.
  - (2) All horses, mules, burros and asses or animals of the equine species.
  - (3) All swine or animals of the procine species.
  - (4) All goats or animals of the caprine species.
- 19-20-130 (m) "Reservation" as used in this Ordinance means the Walker River Indian Reservation.
- 19-30 OBJECTIVES
- 19-30-010 Preservation - Preserve through proper grazing management, the land, water, forest, forage, wildlife, and recreational values on the reservation and improve and build up these resources where they have deteriorated.
- 19-30-020 Provide Tribal Members a Living - Promote use of the range resource by Indians to enable them to earn a living, in whole or in part, through the grazing of their own livestock.
- 19-30-030 Regulate Grazing - Provide for the administration of grazing privileges in a manner which will yield the highest return consistent with sustained yield land management principles and the fulfillment of the rights and objectives of the Tribal Council and individual land owners.
- 19-30-040 Charter Cooperative Association - Charter the Walker River Livestock Cooperative Association as a subordinate organization of the Walker River Paiute Tribe.
- 19-30-050 Livestock Regulation - Regulate the livestock business on the Reservation, and in particular, to control livestock disease.

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19-40 GRAZING

19-40-010 Establishment of Range Units - Range units shall be established under the direction of the Tribal Council, after consultation with the Board of Directors of the Walker River Indian Livestock Cooperative Association and the Superintendent, in a manner which will best meet the requirements of Indian needs, land ownership status, and proper land use.

19-40-020 Grazing Capacity - Subject to the approval of the Area Director, the Superintendent and the Tribal Council shall prescribe the maximum number of livestock which may be grazed on each range unit and the season, or seasons to use, to achieve the objectives cited in 19-20. The grazing capacity so prescribed will take into consideration the implementation of tribal objectives and programs requiring grazeable land to support wildlife and other nonlivestock uses.

19-40-030 Stocking Rates - Stocking rates will be reviewed on a continuing basis and adjusted as conditions warrant. In the event a reduction is necessary, owners of the larger herds will reduce their individual herds until the stocking rate quota is obtained.

19-40-040 Grazing on Range Units Authorized by Permit - All grazing use of range units shall be authorized by a grazing permit except Indians' use of their own land (whether allotments

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or assignments). Permits on range units containing trust or restricted land which is entirely tribally owned, or is in combination with Government land, may be issued by the Tribal Council, subject to approval by the Superintendent. The Permits will include a Schedule of Range Unit Use.

19-40-050

Authority of the Superintendent to Include Other Land in Grazing Permits -

- (a) The Superintendent may include individually-owned land in grazing permits on behalf of:
- (1) orphaned minors;
  - (2) persons who are non-compos mentis and without legal guardians;
  - (3) undetermined heirs or devisees of a deceased Indian owner;
  - (4) adults whose whereabouts are unknown;
  - (5) heirs or devisees, none of whom are using the land and who have not been able to agree upon the permitting of their land during a 3-month period, and after notice from the Superintendent given by posting a general notice at the Schurz Post Office, the Tribal Hall and with the Tribal Council;
  - (6) those Indian land owners who give the Superintendent written authority to grant grazing privileges; and

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- (7) any other Indian minor or person who is non-compos mentis or otherwise under Legal disability, if that person's guardian, conservator; or other fiduciary, appointed by a Tribal Court of Indian Offenses operating under an approved Constitution or Law and Order Code, gives the Superintendent written authority to grant grazing privileges.
- (b) The Superintendent may include tribal land in grazing permits on behalf of the Tribal Council who gave the written authority. When timely action is not taken by the Tribal Council to give the Superintendent written authority, or to issue permits pursuant to 19-50-010 and 19-50-040 and the criteria prescribed in 19-50-130, the Superintendent may proceed to issue permits on tribal land, subject to veto by the Tribal Council, in order to prevent resource waste or unreadable economic loss to the Tribe or its members. The Superintendent shall notify the Tribal Council in writing of the action he proposes to take and allow a 60-day period during which the Tribal veto may be exercised.
- (c) The Superintendent may include Government land in grazing permits provided such land is not already under revocable permit to the Tribe, in which case, paragraph (b) of this section applies.



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19-40-060 Conservation and Land Use Provisions - Grazing operations shall be conducted in accordance with recognized principles of good range management. Stipulations or management plans necessary to accomplish this may be made a part of the Tribal grazing permit.

19-40-070 Provisions of Tribal Grazing Permits - All tribal grazing permits shall contain the following provisions:

- (a) while the lands covered by the permit are in trust or restricted status, all of the permittee's obligations under the permit and the obligation of his sureties are to the United States as well as to the owner of the land,
- (b) nothing contained in the permit shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise, during the term of the permit,
- (c) the permittee agrees he will not use, cause, or allow to be used, any part of the permitted area for any unlawful conduct or purpose, and
- (d) unless specified, the permit authorizes the grazing of livestock only; however, the permittee may utilize the permitted area for hay cutting or any other use with written authorization from the Tribal Council.

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- 19-40-080 Transferability of Tribal Grazing Permits - Tribal grazing permits shall not be assigned, subpermitted, or transferred without the consent of the contracting parties, including the surety, and the approval of the Superintendent.
- 19-40-090 Tenure of Grazing Permits - All active regular grazing permits shall be for a maximum of five (5) years. All tribal members who use tribal grazing land must be members in good standing of the Walker River Livestock Cooperative Association.
- 19-40-100 Establishment of Grazing Fee Rates - With the exception of grazing permits issued through allocation, the Tribal Council, with the approval of the Superintendent and the Area Director, shall determine the rental rate to graze livestock on tribal and tribally-controlled government land. The grazing fee rates through allocation as prescribed in 25 CFR 151.10 shall be established by the Tribal Council and the Indian Corporation, the Indian Association, or adult tribal member(s) of the Tribe who are applying for such allocation.
- 19-40-110 Payment of Annual Grazing Fees - Grazing fees assessed by the Tribe in connection with grazing permits shall be billed to the Board of Directors of the Walker River Livestock Cooperative Association by the Tribe and paid annually at the end of each Calendar year to the designated Tribal Official. Failure to make payment will subject the grazing permit to cancellation.

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- 19-40-120 Ownership of Range Improvements - Improvements placed on the permitted land shall be considered affixed to the land unless specifically excepted therefrom under the permit terms. Equipment such as portable corrals and portable loading chutes shall not be considered affixed. The permit will specify the maximum time allowed for removal of improvements so excepted.
- 19-40-130 Allocation of Grazing Privileges - The Walker River Paiute Tribal Council authorizes the allocation of grazing privileges without competitive bidding on Tribal and Tribally controlled Government land to the Board of Directors with the Walker River Livestock Cooperative Association. The Board of Directors with the Walker River Livestock Cooperative Association will be responsible for:
- (a) grazing operations being conducted in accordance with recognized principles of good range management in behalf of the tribe.
  - (b) accurate records of all livestock grazing on tribal and tribally-controlled Government land.
  - (c) maintaining and constructing fences.
- 19-50 LIVESTOCK TRESPASS, IMPOUNDMENT AND DISPOSAL
- 19-50-010 No person, firm or corporation shall be entitled to collect damages, and no court shall award damages, for any trespass of livestock on cultivated land or non-cultivated land if such land, at the time of such trespass, shall not have been enclosed by a legal fence as defined in section 19-50-020.

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- 19-50-020 A legal fence is defined for the purpose of this section as a fence with not less than four horizontal barriers, consisting of wires, boards, poles or other fence material in common use in the neighborhood, with posts set not more than 20 feet apart. The lower barrier shall be not more than 12 inches from the ground and the space between any two barriers shall be not more than 12 inches and the height of the top barrier must be at least 48 inches above the ground. Every post shall be so set as to withstand a horizontal strain of 250 pounds at a point 4 feet from the ground, and each barrier shall be capable of withstanding a horizontal strain of 250 pounds at any point midway between the posts.
- 19-50-030 The owner or occupier of any grounds or crops trespassed upon by livestock shall inform the reservation law enforcement officers of the trespass and the officials are then to notify the livestock owner of the infraction.
- 19-50-040 If any owner or occupier of any grounds or crops trespassed upon by livestock entering upon or breaking into his grounds, whether enclosed by a lawful fence or not, shall kill, maim or materially injure the livestock so trespassing, he shall be liable to the owner of such livestock for all damages, and for the costs accruing from a suit for such damages, when necessarily resorted to for their recovery.

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19-50-050 The owner of any livestock grazing in trespass within an enclosed fenced area is liable to a penalty of reasonable value of the forage consumed and damages to property injured or destroyed. The Tribal Council shall take action to collect all such penalties and damages and seek injunctive relief when appropriate. The following acts are prohibited:

- (a) allowing livestock to drift and graze on restricted or trust Indian lands without an approved permit.
- (b) grazing livestock upon restricted or trust Indian lands within an area closed to grazing of that class of livestock.

19-50-060 Impoundment and Disposal of Unauthorized Livestock - Unauthorized livestock within any range unit which are not removed therefrom may be impounded and disposed of by the officials of the Walker River Livestock Cooperative Association with the approval of the Tribal Council and with the assistance of the Bureau of Indian Affairs Law Officer as provided herein:

- (a) When the officers of the Livestock Cooperative Association determine that unauthorized livestock use is occurring and have definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded any-time five (5) days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners

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- (b) When the Officers of the Livestock Cooperative Association determine that unauthorized livestock use is occurring but do not have complete knowledge of the number and class of livestock or if the name and address of the owner thereof are unknown, such livestock may be impounded anytime 15 days after the date of notice of intent to impound unauthorized livestock is first published in the local newspaper, posted at all places of business including the Tribal Hall, the Post Office and the PHS Hospital in Schurz. The notice will identify the area or areas in which it will be effective.
- (c) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in the local newspaper, posted at all places of business including the Tribal Hall, the Post Office, and the PHS Hospital in Schurz. The notice will describe the livestock and specify the date, time and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.
- (d) The owner may redeem the livestock anytime before the time set for the sale by submitting proof of ownership and paying for all expenses incurred in gathering, impounding and feeding or pasturing the livestock.

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- (e) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public sale to the highest bidder. When livestock are sold pursuant to this regulation, the Chairman of the Board of Directors, Walker River Livestock Cooperative Association, is authorized to furnish the buyer a bill of sale or other written instrument evidencing the sale.
- (f) The proceeds of any sale of livestock as provided herein shall be applied as follows: First, to the payment of all expenses incurred by the United States, the Tribe or the Board of Directors, Walker River Livestock Cooperative Association in gathering, impounding, and feeding or pasturing the livestock. Second, the payment of any penalties or damages assessed pursuant to 19-60 of this part which shall be credited to the Tribe on whose lands the livestock trespassed as provided in said section. Third, compensation to individuals who experienced property or personal damage, any remaining amount shall be paid over to the owner of said livestock upon his submitting proof of ownership. If any proceeds remaining after payment of the first and second items noted above are not claimed within one year from the date of the sale, such remaining proceeds will be credited to the Tribe owning the land.

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19-60 LIVESTOCK DISEASE

19-60-010 Control of Livestock Disease - Whenever livestock on Indian lands become infected with contagious diseases, or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with the applicable Federal and State Laws and Tribal Ordinances. The Walker River Livestock Cooperative Association with the approval of the Tribal Council and Superintendent, shall require livestock to be vaccinated, inspected and/or restricted in movement when necessary to prevent the introduction and spread of contagious or infectious disease in the economic interest of Walker River Indian Reservation livestock owners. To prevent a reinfection of Brucellosis among cattle herds on the Walker River Indian Reservation, the following rules will be adhered to by all livestock owners within the reservation boundaries.

19-60-020 Requirements for Cattle Entering the Reservation -

- (a) A permit and Health Certificate is required for cattle entering the Walker River Indian Reservation.
- (b) Female cattle entering the Walker River Indian Reservation for breeding, grazing, or dairy purposes must have been officially brucellosis calfhood vaccinated.
- (c) Brucellosis test-eligible cattle shall exhibit a negative reaction to an official brucellosis test within 30 days of importation to the Reservation.



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- (d) Walker River Indian Reservation will accept no cattle from herds in which reactors, or suspects, have been disclosed, dependent upon evaluation from animal health officials of the State of origin and the State of Nevada.
- (e) Brucellosis test-eligible cattle that have been imported, must be kept isolated from all other cattle, and be retested between 45 to 120 days after entering the reservation.
- (f) Cattle originating directly from a Certified Brucellosis free herd are exempt from test requirements, but must have been officially brucellosis calfhood vaccinated.
- (g) Bulls under the age of 30 months are exempt from the isolation and retest requirements.

19-60-030

Change of Ownership Test Requirements -

- (a) Brucellosis test-eligible cattle must be officially tested within 30 days prior to change of ownership on the Walker River Reservation.
- (b) Cattle going into reservation feedlots for finish-feeding, prior to slaughter, are exempt from tests.
- (c) Test-eligible cattle, going back to the country, or pasture, from reservation feedlots, must be tested within 10 days prior to removal from the feedlot.
- (d) Testing is the owner's responsibility and is done at his expense.

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- 19-60-040 (a) All female calves between 2 and 10 months of age, raised on the Reservation, must have an Official Brucellosis Calfhood Vaccination.
- (b) Bulls, steers, spayed heifers, and female cattle going to slaughter, or going into Reservation feed-lots for finish-feeding prior to slaughter are exempt from vaccination requirements.
- 19-60-050 Quarantine Pens - All cattle on the Walker River Indian Reservation which are required to be isolated or quarantined must be kept in the Walker River Indian Reservation or Walker River Livestock Cooperative Association quarantine pens.
- 19-60-060 Annual Brucellosis Testing -
- (a) All test-eligible Cattle on the Walker River Indian Reservation must exhibit a negative reaction to an Official Brucellosis Test, annually.
- (b) Owners of any cattle herd, on the Walker River Indian Reservation, which exhibits a positive brucellosis reaction must devise a plan with the State and Federal Animal Health Officials to eradicate the disease.
- 19-60-070 Penalties - Livestock owners and operators who are found to have violated Section 19-60 of this Ordinance will be subject to the penalties stated in Section 19-80, as well

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as any special penalty imposed by the Tribal Council after consultation with the Board of Directors of the Walker River Livestock Cooperative Association.

19-70 ESTABLISHMENT OF A LIVESTOCK COOPERATIVE ASSOCIATION

19-70-010 Organization Charter - With the approval of this Ordinance, the Tribal Council charters the Walker River Livestock Cooperative Association as an economic entity able to do business on the Walker River Reservation under the terms of the Charter below.

19-70-020 Association Existence and Purpose - In order to carry on the business of farming and livestock raising, to operate related enterprises to promote livestock improvement, and to adopt and follow management practices which will conserve and improve the range land by conferring upon the said Association certain corporate rights, powers, privileges, and immunities; to secure for the members of the Association an assured economic independence; the aforesaid Association is hereby chartered as a body and corporate entity of the Walker River Paiute Tribe, under the association name, "The Walker River Livestock Cooperative Association".

19-70-030 Perpetual Succession Membership - The Walker River Livestock Cooperative Association shall, as a Tribal Corporation, have perpetual succession.

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19-70-040 Membership - The Walker River Livestock Cooperative Association shall be an annual membership organization. Its members shall consist of persons now or hereafter members of the Walker River Paiute Tribe, who meet the eligibility requirements for members, as provided by the Association's duly ratified and approved Articles of Association and By-Laws.

19-70-050 Association Powers - The Association, subject to any restrictions contained in the Constitution and Laws of the United States, or in the Constitution and By-Laws of the Walker River Paiute Tribe, shall have the following Association powers, as provided in the Association's Articles and By-Laws:

- (a) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, subject to the following limitations:
  - (1) No sale or mortgage may be made by the Association of any land or interests in land, including mineral rights, now or hereafter held by the Association within the boundaries of the Walker River Indian Reservation.
  - (2) No action shall be taken by or in behalf of the Association which in any way operates to destroy or injure the Tribal grazing lands or other natural resources of the Walker River Reservation.

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- (b) To sue and to be sued in any Court in its Associate name; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Association, by the Tribe, or by the United States, to the levy of any judgement, lien or attachment upon the property of the Association other than income or chattels specially pledged or assigned.
- (c) To make and use a common seal and alter the same at pleasure, but the use or non-use of such a seal does not affect the legality of any document.
- (d) To appoint such subordinate agents or officers as the business may require.
- (e) To admit associates or members, and to sell or forfeit their interest in the Association for default of installments, dues, work or labor required, as provided by the By-Laws.
- (f) To enter into any and all lawful contracts or obligations essential to the transaction of its affairs, for the purpose for which it was formed.
- (g) To borrow money from any sources including the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18. 1934 (45 Stat 984), or from any other governmental agency, or from any financial institution in the State, and to use such funds directly for productive tribal uses.

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- (h) To issue all such notes, bills or evidence of indebtedness or mortgage as its By-Laws may provide for.
- (i) To trade, barter, buy, sell and exchange.
- (j) To engage in the livestock business that will further the economic well-being of the members of the Association or to undertake any related activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (k) To exercise such additional powers, not inconsistent with law, as may be necessary to the conduct of Association business.

19-70-060 Amendments to Charter - The Charter shall not be revoked or surrendered except by Resolution of the Tribal Council, but amendments may be proposed by resolutions of the Association which, if approved by the Tribal Council, shall be effective when ratified by a majority vote of the Council.

19-70-070 Ratification - This Charter shall be effective from and after the date of its ratification by a majority vote of the Tribal Council, such ratification to be formally certified by the Tribal Chairman and the Secretary of the Walker River Tribal Council.

19-80 PENALTIES

19-80-010 Violation Penalties - Livestock owners and operators conducting business on the Walker River Indian Reservation who violate any section of this ordinance are subject to their livestock

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impoundment and/or a fine in the amount which is to be determined by the Tribal Council after consultation with the Walker River Livestock Cooperative Association and the Superintendent. The Association may, in addition, exercise any remedies provided in the duly ratified Association Articles and By-Laws against members of the Association who are in non-compliance with this Ordinance or with the Association Articles and By-Laws.

19-80-020

Misbranding - Any person who shall knowingly and willfully misbrand or alter any brand or mark of any livestock of another person, shall be deemed guilty of an offense and upon conviction thereof, shall be sentenced a punishment equivalent to a Class A crime if the livestock involved is valued at \$500 or more (see sections 5-40-060 and 5-90-010). If the livestock involved is valued at \$100 or more, but less than \$500, the sentence shall be equivalent to a Class B Offense (see 5-40-060 and 6-90-010). If the livestock involved is valued at less than \$100, the sentence shall be equivalent to a Class C Offense (see 5-40-060 and 5-90-010).

19-80-030

Livestock Theft - A person is guilty of livestock theft if he obtains or exercises unauthorized control over the livestock of another with the purpose of depriving him thereof. Livestock theft may be accomplished in either of two ways, including, but not limited to:

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- (a) physical taking of the livestock,
- (b) receiving, retaining, or disposing of the livestock of another knowing that it has been stolen or believing that it has probably been stolen.

19-80-040 Punishment for Livestock Theft - Any person found guilty of livestock theft shall be sentenced a punishment equivalent to a Class A crime if the livestock involved is valued at \$500 or more. If the livestock involved is valued at \$100 or more, but less than \$500, the sentence shall be equivalent to a Class B Offense (see 5-40-010). If the livestock involve is valued at less than \$100, the sentence shall be equivalent to a Class C Offense.