

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND
MINING**

**Seventy-Fifth Session
May 6, 2009**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:36 p.m. on Wednesday, May 6, 2009, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jerry D. Claborn, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman David P. Bobzien
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Don Gustavson
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

J. Randall Stephenson, Committee Counsel
Jennifer Ruedy, Committee Policy Analyst
Judith Coolbaugh, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Karen Goodman, Private Citizen, Reno, Nevada
Kristina Olson RN, Registered Environmental Health Specialist,
Environmental Health Services Division, Washoe County District
Health Department, Reno, Nevada
Jeanne Rucker, Environmental Health Specialist Supervisor, Environmental
Health Services Division, Washoe County District Health
Department, Reno, Nevada
Patrick Wiggins, Animal Regulations and Services Manager, Regulation
Enforcement, Carson City Animal Services, Carson City, Nevada
Frank D. McMillan, DVM, Diplomat, American College of Veterinary
Internal Medicine, and Director of Well-Being Studies, Best Friends
Animal Society, Kanab, Utah
Tom Jacobs, Executive Director, Society for the Prevention of Cruelty to
Animals in Northern Nevada, Reno, Nevada
Karen Layne, President, Las Vegas Valley Humane Society, Las Vegas,
Nevada
Connie Williams, representing the National Society for the Prevention of
Cruelty to Animals, Las Vegas, Nevada
Patricia Smith, Private Citizen, North Las Vegas, Nevada
Tami Simon, Coordinator and Ambassador, Best Friends Animal Society,
Las Vegas, Nevada
Gina Greisen, representing the Nevada Voters for Animals, Las Vegas,
Nevada
Cherie Owen, Private Citizen, Gardnerville, Nevada
Beverlee McGrath, California Legislative Specialist, The Humane Society
of the United States, Oxnard, California
Barrie Schuster, Private Citizen, Reno, Nevada
Michelle Ippolito, Private Citizen, Fallon, Nevada
Asha Anderson, Private Citizen, Gardnerville, Nevada
John Slaughter, Director of Management Services, Washoe County
Animal Services, Reno, Nevada
Susan Haase, Private Citizen, Las Vegas, Nevada
Carol Infranca, representing the Concerned Nevada Pet Owners, Washoe
Valley, Nevada

Don Moradian, Private Citizen, Carson City, Nevada
Barbara Kubichka, Private Citizen, Carson City, Nevada
Candy Roper, representing the Bonanza Kennel Club, Carson City, Nevada
Pete Reinschmidt, Emergency Operations Manager, Division of Emergency
Management, Department of Public Safety

Chair Claborn:

[Roll was taken.] I am opening the hearing on Senate Bill 132 (1st Reprint).

Senate Bill 132 (1st Reprint): Revises provisions governing the treatment of animals. (BDR 50-369)

Ms. Goodman will present the bill since the bill's sponsor, Senator Townsend, is in another committee.

Karen Goodman, Private Citizen, Reno, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit C](#)).] An amendment submitted by the Nevada Veterinary Medical Association is acceptable to us. It would add another exemption to subsection 4, which would be paragraph (i), and it would read: "With a person who is walking and/or training the dog." [Ms. Goodman also submitted a packet of photographs ([Exhibit D](#)), and written testimony from her co-partner in developing this bill, Ms. Beth Coen, of Las Vegas, Nevada ([Exhibit E](#)).]

Chair Claborn:

Are there any questions?

Assemblyman Ohrenschall:

Has this law passed in other jurisdictions?

Karen Goodman:

Yes, it has. Seven states and from 114 to 160 different communities have passed a similar law. I spoke to the National Animal Control Association, (NACA) and they indicated that the national trend is to start limiting the tethering of animals.

Assemblyman Ohrenschall:

Are those laws similar to S.B. 132 (R1)?

Karen Goodman:

Every jurisdiction has a different law. Many of the laws are stricter, and do not permit any tethering or chaining at all. Some of them allow for three hours of tethering, and some of them have included dimensions for pen size. There is

a variety of legislation dealing with animal tethering, but we believe this bill is something we can live with in Nevada.

Assemblyman Hogan:

At the beginning of your testimony, you made reference to an amendment. Is there a proposed amendment because I do not believe we have one? Or have the proposed changes already been incorporated into this version of the bill?

Karen Goodman:

The language for the suggested amendment was submitted at the last minute, and I do not have it in writing. The amending language would clarify that a person can use a prong or a choke chain when he is walking or training a dog. We think that is fine. The NVMA requested the language. The exemption language would be added as a new paragraph (i) under subsection 4 of section 1.

Chair Claborn:

If you do not have an amendment in writing here, you do not have an amendment.

Karen Goodman:

I will give it to you in writing.

Chair Claborn:

If this bill is carried forward, and you want an amendment, that amendment has to be submitted in writing within 24 hours.

Karen Goodman:

Okay, I understand.

Chair Claborn:

Are there any more questions? [There were none.]

Kristina Olson RN, Registered Environmental Health Specialist, Environmental Health Services Division, Washoe County District Health Department, Reno, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit F](#)).]

Chair Claborn:

Are there any questions?

Assemblyman Carpenter:

Looking at these photographs, it seems to me the present law would enable you to take action against this person. There is no question that the tethered dogs, shown in the photographs, are being deprived of necessary food and drink. The owner has refused these animals subsistence rations. I believe this person could be cited and brought to court. It is a Category C felony on the third offense. Why has no one gone after this owner?

Karen Goodman:

Animal control does the citation enforcement. The regulation has such a loose and vague definition that it is difficult to establish neglect. It was not possible to cite this owner.

Assemblyman Carpenter:

If you read the law as it is now, there is no question that these dogs are malnourished and being deprived of the basic necessities of life. The animal control enforcement unit should have been able to cite this dog owner.

Karen Goodman:

They were unable to do so.

Assemblyman Carpenter:

We can pass all the laws we want, but if the authorities in charge of administering the laws will not enforce them, the laws are not doing any good. The dogs in these photographs are not being taken care of. The owner should have been cited. Why was it not done?

Chair Claborn:

Would one of the witnesses answer the question?

Jeanne Rucker, Environmentalist Health Specialist Supervisor, Environmental Health Services Division, Washoe County District Health Department, Reno, Nevada:

The Environmental Health Services Division does not have the authority to enforce this law. The Washoe County Regional Animal Services has that authority in Washoe County. We are a cooperating agency, and we investigated this case for valid rabies vaccination certifications and solid waste issues. However, we cannot enforce the rules relating to tethering, animal cruelty, or deprivation of food and water, but Animal Services can. With the passage of this bill, it could move forward with those actions necessary to remedy the problem.

Chair Claborn:

Are there any questions?

Patrick Wiggins, Animal Regulations and Services Manager, Regulation Enforcement, Carson City Animal Services, Carson City, Nevada:

We are in support of this bill. We believe it will allow us to provide educational information to people who keep their animals tethered, chained, or kenneled for days at a time. When we have people calling in complaints, we will be able to deal with the problem. Right now, there is no law against tethering or chaining dogs, so we cannot proceed with enforcement. The continuous tethering of dogs leads to other problems, such as dirty water, tangled tethers, and/or inability to use the dog shelter. There are cases that go on for years that we cannot do anything about, except show up on the owner's property and talk to them.

Chair Claborn:

Are you saying there is no law enforcement available to prosecute animal cruelty? Is that what you are leading us to believe?

Patrick Wiggins:

No, I am not leading you to believe that.

Chair Claborn:

That is what I have heard so far. Is there a law against animal cruelty?

Patrick Wiggins:

Absolutely, there is a law against animal cruelty.

Chair Claborn:

Is nobody enforcing it?

Patrick Wiggins:

I do not work for Washoe County, so I do not know what those photographs show. If there is a law being broken, we can go after the owners for malnutrition or lack of subsistence.

Chair Claborn:

We are not here working county-by-county. We are looking at passing a state law for everyone.

Patrick Wiggins:

I agree.

Chair Claborn:

Are there any questions?

Assemblyman Hogan:

Are you saying the laws vary from county-to-county for enforcing animal cruelty regulations? Does the state have any laws that cover this particular situation, such as chaining? Are you saying the counties may or may not have legal prohibitions or limitations on the length of time an animal can be tethered?

Patrick Wiggins:

That is correct.

Assemblyman Hogan:

Which of the elements of this bill are not covered by county ordinances or by current state laws? Is there no time restriction on chaining or tethering a dog? Is that your understanding of the situation?

Patrick Wiggins:

Yes, that is my understanding.

Assemblyman Hogan:

Is there no explicit requirement for the amount of space that has to be available for a dog to be able to move around and exercise in? Is there no state law covering the acceptable size of pens or kennels?

Patrick Wiggins:

That is correct. The requirement is six additional inches from the tip of a dog's tail to the tip of its nose. As long as the dog can turn around and not hit anything, it is okay.

Assemblyman Hogan:

If that is the case, we are addressing an area where the state has not provided adequate protection for these animals. We should approach a solution with an open mind, and we need to recognize the benefits of putting some limits on this kind of cruel treatment that these animals are being subjected to.

Chair Claborn:

Are there any more questions? [There were none.]

Frank D. McMillan DVM, Diplomat, American College of Veterinary Internal Medicine, and Director of Well-Being Studies, Best Friends Animal Studies, Kanab, Utah:

[Read from prepared testimony submitted in writing ([Exhibit G](#)).]

Chair Claborn:

Are there any questions? [There were none.] I need to remind the witnesses that their testimony needs to address the bill that is under consideration. This bill is about tethering a dog, and about how many hours it can be tied up. We understand the suffering and pain these dogs are being subjected to.

Frank McMillan:

I might add that the issue is about chaining dogs and subjecting them to emotional suffering.

Chair Claborn:

That is debatable.

Frank McMillan:

Once a dog is chained or tethered, it cannot interact with another dog in any way. They are being kept isolated from other dogs and humans.

Chair Claborn:

That depends on how short or long the tether is.

Frank McMillan:

You cannot have two chained dogs . . .

Chair Claborn:

I am not agreeing with your statement.

Frank McMillan:

If the dogs were tethered close to each other, their tethers would become entangled.

Chair Claborn:

You are making an assumption.

Tom Jacobs, Executive Director, Society for the Prevention of Cruelty to Animals in Northern Nevada, Reno, Nevada:

I am in support of this bill. [Read from prepared testimony submitted in writing ([Exhibit H](#)).]

Chair Claborn:

Are there any questions?

Assemblyman Bobzien:

I have been troubled by the volume of the hyperbole directed at this bill. We are here to consider the legislation from a neutral position, and we try to be fair and balanced in our evaluations of the legislation. The problem I have with the testimony presented so far is I am not hearing any of the details of the bill. We need answers to the specifics of the bill. I would like to hear from Animal Control Services in Washoe County as we did earlier from Carson City. I need to hear from the agency which tools they need for enforcement. In section 1, subsection 4, there is a long list of exemptions to this proposed tethering law. My specific question refers to paragraph (h) which states: "With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour." What does that mean?

Tom Jacobs:

I defer the answer to Ms. Goodman.

Karen Goodman:

The exemption refers to situations where you are running an errand, or you have a task to perform that will take an hour or less. It allows you to tether your dog on a chain that is less than 12 feet long. That exemption was requested by the NVMA.

Assemblyman Bobzien:

This situation does not refer to tethering the dog in the yard. Is that correct?

Tom Jacobs:

Yes, that is correct. It is for someone out traveling or engaging in a temporary activity.

Assemblyman Bobzien:

I understand.

Karen Goodman:

During the Senate hearing on this bill, it was brought to my attention that there was a need for an exemption to the tethering law for a person traveling with a dog. That is why this exemption was added to the list.

Chair Claborn:

We are going to continue the simulcast from Las Vegas to take testimony from witnesses there.

Karen Layne, President, Las Vegas Valley Humane Society, Las Vegas, Nevada:
We are in support of S.B. 132 (R1). In southern Nevada, it is legal to chain an animal 24 hours a day, 7 days a week (24/7). When the bill was originally drafted, the maximum amount of time a dog could be continuously chained was nine hours. It was changed after the Senate hearing on the bill to 12 hours. We are concerned that the amount of tethering time is continually being extended. At this point, any semblance of the bill that we can get passed will be extremely important to us. In particular, we want the amount of tethering time limited. Unlike northern Nevada, the key issue in southern Nevada is the summer temperatures and heat. Last year was a temperate year, but still the temperature was above 100 degrees for 77 days. Seven days of that time, it was above 110 degrees. At the Humane Society, we take a lot of calls from people who are coming home from work to report their dog is dead. They only want to know how to get rid of the body, or if the dog is still alive, they want to request free veterinary assistance because their dog is having seizures from the heat.

Many of these animals are kept solely for home protection purposes. We do see some of these tethered dogs turned in by their owners at pet fairs that we co-sponsor with the City of North Las Vegas and the City of Las Vegas animal control agencies. To adopt these animals, a license and rabies shot are required. They are often uncontrollable while standing in line, so we try to provide large cages for them. We do believe that tethering these animals for long periods of time is a public safety issue.

Chair Claborn:
Are there any questions?

Assemblyman Hogan:
Is there a state law that requires shelter for these tethered dogs from the cold and heat? Or are shelter requirements left up to local government ordinances?

Karen Layne:
There are state statutes which state a chained animal must have food, water, and shelter. The problem is the term "shelter" is very subjective. A dog house might be considered shelter in some places, but in southern Nevada when the temperature is over 100 degrees, the dog house is not a suitable shelter. If the animal goes into the dog house to get out of the sun, it is probably hotter in there than outside. The other problem we have in southern Nevada is the dog may be tethered on the shaded side of the house, but it is only shady for part of the day. The animal control officer may visit the house in the morning when the animal is in the shade. In the afternoon, the animal is in the full sun, so there is

no shelter for it. It depends on the time of day. The term "shelter" is too vague when it comes to providing protection to the animal from the heat.

Assemblyman Ohrenschall:

I like the bill in principle. I have received emails from people who say dog owners will not abide by this law. Instead, they will turn their dogs in, so they can be destroyed. Do you have any comments about that, and how do you answer that?

Karen Layne:

We had 55,000 animals enter our shelter in 2008, and 31,000 of them were euthanized. We already have a huge animal overpopulation problem. If you could see some of the conditions, these animals are forced to live in, I would prefer people to buy an alarm system. If people cannot abide by the tethering rules, and they take the dog to an adoption shelter, it is doubtful that animal will be adopted. The animals are not socialized. At least, the animals will receive a humane death. The dog deaths we see from being chained in the heat are inhumane.

Assemblyman Ohrenschall:

If this bill passes into law, do you think the animal control agencies in Clark County will be able to remedy a lot of these situations, and prevent dogs from being tethered in the heat?

Karen Layne:

That is what we are hoping for.

Chair Claborn:

Are there any more questions?

Assemblyman Carpenter:

Does Clark County, or the cities within in it, have an animal control ordinance in place?

Karen Layne:

Yes, they do.

Assemblyman Carpenter:

Is there any section in those ordinances that can be applied to animal tethering?

Karen Layne:

No, there is not. The current ordinances allow for dog tethering 24/7.

Chair Claborn:

Are there any more questions? [There were none.]

Connie Williams, representing the National Society for the Prevention of Cruelty to Animals, Las Vegas, Nevada:

I work with the Nevada No-Kill Sanctuary, and we are in support of S.B. 132 (R1). We can immediately tell if dogs coming into our shelter have been chained, tethered, or penned up because they come in looking very fearful with their heads down, and their tails tucked between their legs. They are not socialized which means it can take our staff weeks or months to socialize the dog, so it is ready for adoption. It ties up places in our kennel that we could use to help rescue other dogs from other shelters which do not have our no-kill policy.

We had a pet fair in the City of North Las Vegas last weekend, and many of the residents brought their dogs in on the same chain they use to tie up their dogs in their back yards. The dogs were lunging and aggressive. Many of them were fearful and anti-socialized. This bill would help us move forward to more humane treatment of dogs in our communities.

Chair Claborn:

Are there any questions? [There were none.]

Patricia Smith, Private Citizen, North Las Vegas, Nevada:

I am asking you to support S.B. 132 (R1). I have a personal story. Our neighbors have a dog that is chained 24/7. The dog has no relief, and it lives in a very small place. It has been hard for me and my family. We are awakened regularly in the middle of the night to the dog's whining and crying because it is lonely. Our main concern for the dog is the heat. I did call animal control, and they said there was no law against it. They did come out to check on the dog, but it was close to evening and the temperature was cooler. The dog was also in the shade, so they reported that the dog was fine. Our primary concern is for the dog, but it also hurts the people and families who are neighbors to know it is suffering.

Assemblyman Segerblom:

You said you called animal control; they came out and said they could not do anything. Is that correct?

Patricia Smith:

Yes, it is. I did make a follow-up phone call to find out the status of the situation, and that is what they told me. The dog has a plastic kennel that sits directly in the sun. It is extremely hot inside it, and I do not think the dog would use it. It would be unbearable when the temperatures begin to climb. Early in the morning, the side of the house where the dog is tied is shaded, but it is still extremely hot.

Chair Claborn:

Are there any more questions? [There were none.]

Tami Simon, Coordinator and Ambassador, Best Friends Animal Society, Las Vegas, Nevada:

We support this bill. While this bill is not ideal, it is a vast improvement. Chaining causes psychological damage to the animal. In dogs, it is manifested through neurotic behaviors, biting, and aggression. It is no way for a companion animal to live out its life, especially when it only wants love, attention, and support from people. That is also what they give in return. To be chained continuously with no human interaction is cruel and inhumane punishment.

Chair Claborn:

Are there any questions? [There were none.]

Gina Greisen, representing the Nevada Voters for Animals, Las Vegas, Nevada:

We are in support of this bill. I will not repeat testimony you have already heard although I could go on and on.

Chair Claborn:

We are bringing the simulcast back to Carson City, and we will hear more testimony from the witnesses here.

Cherie Owen, Private Citizen, Gardnerville, Nevada:

The dog, Henry, in the photograph I submitted to you ([Exhibit I](#)) was in horrendous condition when he was found in Douglas County. Henry had been chained for his entire life. We need this legislation, so other people can see for themselves the tragedy of continuous tethering because it is usually kept hidden from view.

Chair Claborn:

Are there any questions? [There were none.]

Beverlee McGrath, California Legislative Specialist, The Humane Society of the United States, Oxnard, California:

We are the largest animal protection organization in the nation, and we have 11 million members. [Read from prepared testimony submitted in writing ([Exhibit J](#)).]

Chair Claborn:

If there are any other witnesses wishing to testify in favor of the bill, you may come forward to the witness table.

Barrie Schuster, Private Citizen, Reno, Nevada:

I have submitted to the Committee a photograph of a dog named "Oreo" ([Exhibit K](#)), and I included my testimony with it. [Read from prepared testimony submitted in writing.] This is a dog I can see, but I know there are thousands of dogs out there that I cannot see. I have called animal control on numerous occasions about the situation. They have told me as long as Oreo has food, water, and shelter there is nothing they can do. I encourage you to support this bill to prevent this abuse and neglect.

Chair Claborn:

Are there any questions? [There were none.]

Michelle Ippolito, Private Citizen, Fallon, Nevada:

In Churchill County where I live, there are no county animal ordinances for animal control and protection. Our animals are dependent on what you, the legislators, do on a statewide basis. I urge you to pass S.B. 132 (R1).

Chair Claborn:

Are there any questions?

Assemblyman Carpenter:

If this bill is passed, who in Churchill County would enforce it?

Michelle Ippolito:

The sheriff handles questions about animals in the county, and there is an animal control agency in Fallon. I believe if the sheriff is called it is turned over to animal control in Fallon.

Assemblyman Carpenter:

There is an agency to enforce it. Is that correct?

Michelle Ippolito:

Yes, that is correct. There is someone available for enforcement, but right now we do not have a law against it.

Assemblyman Carpenter:

Do they enforce other existing laws to protect animals from malnutrition, torture, and cruelty?

Michelle Ippolito:

I would say they do what they can, but it is an uphill battle. They can use all the tools that you can give them.

Chair Claborn:

Are there any more questions? [There were none.]

Asha Anderson, Private Citizen, Gardnerville, Nevada:

I am speaking for "Star," the little dog who lives on the backside of my fence who cries all night in the cold, and we are helpless to help him. I read in the March 3, 2009 edition of the *Las Vegas Sun* that Nevada is the only state that does not prohibit possession and training of an animal for fighting. Are we so insensitive that we are unable to set legal limits on the amount of time dogs suffer at the end of a chain?

Chair Claborn:

There was a dog fighting bill that we heard earlier.

Asha Anderson:

Yes, the article I read was in reference to that bill, and I hope it gets passed.

John Slaughter, Director of Management Services, Washoe County Animal Services, Reno, Nevada:

I do know Washoe County Regional Animal Control supports passage of this bill. I have been trying to reach them. When I make contact with them, I will request a letter of support for the bill from them.

Chair Claborn:

Are there any questions?

Assemblyman Hogan:

What is your affiliation with Washoe County?

John Slaughter:

I represent Washoe County, and Washoe County Animal Services is one of our departments.

[A live dog on a leash was brought in, and Mr. Claborn asked the person with the dog to come forward and introduce the dog.]

Susan Haase, Private Citizen, Las Vegas, Nevada:

I am the personal handler of Max "Schnauzer" who is in favor of anything that might be good for dogs.

Chair Claborn:

Are there any other witnesses wishing to testify "for" S.B. 132 (R1)? [There were none.] Is there anyone in Las Vegas wishing to testify "against" the bill, or to testify from a neutral position? [There were none.] We are moving the simulcast back to Carson City, and we will hear witnesses "against" the bill.

Carol Infranca, representing the Concerned Nevada Pet Owners, Washoe Valley, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit L](#)).]

Chair Claborn:

Are there any questions?

Assemblyman Hogan:

Do you have any proposed amendments to submit that will resolve the questions you raised in your testimony?

Carol Infranca:

It was my understanding that we could not propose amendments this "late in the game," so I do not have any with me. We would be happy to draft some amendments for you.

Assemblyman Hogan:

Did you testify on this bill at the Senate hearing for it?

Carol Infranca:

When this bill was introduced, I was in Kentucky. I learned about it when I returned, and found my online mailbox overflowing with messages. We

recently formed the Concerned Nevada Pet Owners, and we focused our attention on Senate Bill 241 and Assembly Bill 15 so this bill slipped by us.

Chair Claborn:

I want to read the notation on this Committee's agenda for today. "Proposed amendments must be submitted in writing to the committee along with the sponsor's name, contact information, and the intent of the amendment." If the discussion on this bill continues in a Subcommittee meeting as I expect it will, you can provide amendments. I do not know who told you it is too "late in the game," but we are going to try to take the best course of action for everyone, and we want to hear everyone's testimony.

Carol Infranca:

I am a "lobby virgin," and this is the first time I have ever done this. I did register as a lobbyist as soon as I returned to Nevada and found out about the proposed legislation. I will confer with your staff, find out what needs to be done, and try to get an amendment back to you immediately.

Chair Claborn:

Are there any more questions?

Assemblyman Bobzien:

I need a couple of points clarified. You raised the question about the language that states: "For more than 14 hours during a 24-hour period." Someone could say the dog was chained for 14 hours and 40 minutes, but it was in different incremental periods of time, not continuously, so the total did not exceed the 14 continuous hours limit. Is that correct?

Chair Claborn:

Mr. Stephenson, would you comment on the statement?

J. Randall Stephenson, Committee Counsel:

Mr. Bobzien made a good point. I think your example would be a "strained" interpretation of the bill's language, but technically a person could say that. Two eight-hour periods of tethering could be a violation of the language. Language stating 14 "continuous" hours might be more appropriate. The word "continuous" is frequently used in the *Nevada Revised Statutes* (NRS) to clarify these types of situations.

Assemblyman Bobzien:

If the word "continuous" is inserted, we can safely assume that an incremental accrual of time that is 14 hours or more in a 24-hour period would be satisfactory. Is that correct?

J. Randall Stephenson:

Yes, that is correct. The way the language stands the 14 hours could occur in a number of different ways.

Chair Claborn:

I had the same question about the hours, and I believe the language needs some work.

Carol Infranca:

That is our point exactly.

Assemblyman Bobzien:

You were present for the earlier testimony, and you heard the witness testify about the dog, Oreo, who is chained up 24/7. I understand your concern about accommodating shift workers requiring flexibility. I am asking for a value judgment on your part. The proponents on the bill are saying this type of situation is unacceptable, and there is no law to provide the animals with protection from round-the-clock tethering. We are trying to extend the law to cover this type of situation. Is it your position that it is okay to tether a dog 24/7?

Carol Infranca:

We are concerned about animal welfare which is why we formed our "grassroots" organization. Having a dog chained up continuously is not a good thing. However, it is also not good to penalize a person who has worked for 8 hours, and he comes home for awhile. He lets the dog off the chain for a period of time. He then has to leave again for a night meeting, so he tethers the dog again. That person may go over the 14 hour limit for tethering the dog. We do not believe the wording is clear. If the word "continuous" were inserted, then it would make a lot more sense. We do not want to have law-abiding people placed in jeopardy.

Assemblyman Bobzien:

If you are actually bringing an amendment forward, I am interested in seeing the new language which better captures the concept, but it will still address the problem. Will you be doing that?

Carol Infranca:

I will take care of it immediately.

Chair Claborn:

Are there any more questions? [There were none.]

Don Moradian, Private Citizen, Carson City, Nevada:

I am a member of the Bonanza Kennel Club and the Samoyed Club of America. I am a former member of the International Sled Dog Racing Association, and Sierra Nevada Dog Drivers. I do not condone a dog being chained in a back yard 24/7 with inadequate shelter, food, and water. I have heard testimony today that implies if a dog is chained it is synonymously interpreted to mean that dog is being abused and neglected. It is assumed that the animal has dirty water, inadequate food, and no shelter. I have a serious problem with that interpretation. For that matter, what does ambient temperature have to do with whether a dog is chained or if it is running free in the back yard? As long as the dog has shade, shelter, food, and water, it is fine.

The American Kennel Club (AKC) does not support this bill. I talked with their legislative department yesterday afternoon. I moved to the Minden/Gardnerville area in 1991. Prior to that time I lived in Markleeville, California for six years. I rented a house in Markleeville that had no fences, so I am probably the "poster child" for who would be victimized if this legislation is passed. I had 5 Siberian Huskies that were tethered on chains 10 to 12 feet long. They all had adequate shelter, food, and water. I carefully arranged them, so their chains could not get intertwined, and they could not jump a fence and hang themselves. They could get into their dog houses and turn around in them. The neighborhood children played with my dogs, and the dogs were not aggressive. There was never a health problem or legal issue with my dogs. They were all well-cared for.

There is one issue that no one has mentioned. There were times my dogs had to be left chained for entire weekends, because I was away visiting my sick mother. My next door neighbor came over and took care of my dogs. There are times people go on vacation and leave their dog chained up and a neighbor looks after them. My dogs were in the house every night. There is overwhelming and well-documented evidence to prove that a dog's socialization process takes place between 12 and 16 weeks of age. Most breeders spend lengthy amounts of time making sure their dogs are socialized in a variety of different situations.

I appreciate what Ms. Goodman is trying to do, but it is hard for me to believe laws to prevent continuous chaining are not on the books at the local level. I do

not think the issue should be addressed at the state level, and I do not think this bill is the means to prevent continuous chaining. I believe the bill will unduly punish people in situations similar to mine. These are some of my concerns with the bill. This bill is strikingly similar to many of the 179 bills that are concurrently being pushed in 33 states. There was an article in the *Reno Gazette-Journal* some time back with Ms. Goodman being photographed with a dog sledder's chained dogs. It was a file photograph taken in Doyle, California.

Chair Claborn:

Does anyone else wish to testify?

Barbara Kubichka, Private Citizen, Carson City, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit M](#)).] The bill is a mess. In the beginning of the bill, the word "animals" is used. According to the NRS, an animal is anything that is not a human. On page three, the word "dog" is used. There are vague terms for "restraining" and for "collars." This bill is exclusionary instead of being inclusionary. It needs to identify the "target" situation instead of listing all the situations that are exempt. Is it suburban dogs roasting in back yards, or is it a horse tied by a halter rope to a fence?

My biggest issue with the bill is the penalties for potential violators. There is a misdemeanor, a gross misdemeanor, and a Category C felony listed as punishments. How will these penalties affect a citizen's ability to get a job, to clear a background check for gaming or government employ, to be able to vote again, or to have problems with credit checks? The punishments will ruin people's lives. The bill also says the crime can go back seven years. How can you be guilty of a tethering crime that happened seven years ago? I am raising these issues because the bill is a "can of worms."

Chair Claborn:

The seven year clause refers to a second offense.

Barbara Kubichka:

It is confusing. I think clarification is necessary if this bill is to go forward. Are we just talking about dogs, or are we talking about everything that is not human? The bill contradicts itself. My ranchers are concerned about their horses and cows at fairs.

Chair Claborn:

The bill is only referring to dogs.

Barbara Kubichka:

It does not say that in the bill. The bill needs to be "tightened up." We are concerned about the punishments.

Chair Claborn:

Are there any questions?

Assemblyman Bobzien:

The penalty schedule you are referring to on page 4 is in statute. They are already authorized by law.

Barbara Kubichka:

Then I am concerned about the depth of the punishments. I am concerned about how it is going to affect my personal life. We are not for cruelty.

Assemblyman Bobzien:

You are not taking issue with the bill, but . . .

Barbara Kubichka:

I am taking issue with the bill. It is a "can of worms." It jumps back and forth between dogs and animals. It provides multiple exempt situations where tethering is allowed, but what is the bill talking about? Is it for suburban dogs? My ranchers are concerned about rural dogs and livestock.

Chair Claborn:

This bill came from the Senate, and they have ranchers on their Committee.

Barbara Kubichka:

Yes they do, but they did not speak up. I was there. I am finished with my testimony.

Chair Claborn:

Would the next witness identify herself?

Candy Roper, representing the Bonanza Kennel Club, Carson City, Nevada:

Most of the points I wanted to make have been covered by other witnesses. However, I would appreciate it if you would read my testimony which I have submitted ([Exhibit N](#)). The Bonanza Kennel Club is against this bill. The bill will not remedy the neglect issue. We are concerned that people will turn their dogs loose because they cannot legally tether them. If tied or tethered dogs bite more and they are turned loose, then aggressive dogs will be running around creating a public safety issue. Our other concern is who is going to time the

14 hour period. It could be a neighbor who has a vendetta. We do not condone abuse at any level.

Chair Claborn:

Would anyone else like to testify?

Pete Reinschmidt, Emergency Operations Manager, Division of Emergency Management, Department of Public Safety:

I am here to testify from a neutral position. There is a section 2 in the bill that I would like to address. This section concerns service animals and the opening of shelters for humans who have been displaced because of a disaster. When a shelter is open, there is a problem with bringing animals into shelters where humans are being cared for. There is a potential that a person in a shelter could have respiratory problems, and a needed service animal for someone else could not be brought in. We are in favor of the bill. Service animals need to be transported and taken to shelters with their owners. I do not know if the language "...to the extent practicable..." covers whether or not that animal can be admitted to a shelter where there is a person with a medical condition that might be adversely affected by close proximity to a dog.

Assemblyman Segerblom:

I actually litigated this issue with respect to a school teacher. The law is very clear that a service animal must be let in. If another person is allergic, another way must be found to separate them. You cannot arbitrarily deny the service animal admittance. The law is clear; service animals are allowed anywhere.

Pete Reinschmidt:

On a national basis from informational conferences I have attended and where this issue has been discussed, the consensus has been that shelters are open for people. An animal being brought in could cause another person to have an allergic reaction to the dander and hair that would be in the air in a confined space. We can develop accommodation plans, and we have a fiscal note that will permit us to do that. It is very much needed.

From my own personal experience as a first-responder in New Orleans during Katrina, I observed when the service animals were segregated from their owners, problems ensued. The language is not quite right in this bill. There needs to be some kind of accommodation to separate the air spaces, so the service animals and their owners will have their own space. That way other people, who might be adversely affected because of a medical condition, will not be impacted.

Assemblyman Segerblom:

The law already requires that a service animal cannot be separated from its owner. The language in this bill is directing the state to develop a plan for accommodation and/or segregation. That is what we are asking you to do.

Pete Reinschmidt:

We can do that.

Chair Claborn:

There is a fiscal note on this bill for \$40,000. Ms. Goodman, are you aware of the fiscal note?

[Ms. Goodman answered from the audience that she did not think it was earmarked to provide funding to accommodate service animals in public shelters.]

Chair Claborn:

We will take care of it later. It might be. Ms. Goodman, would you come up to the witness table? A lot of these issues should have been discussed and settled during the Senate hearing on the bill.

Karen Goodman

It was discussed.

Chair Claborn:

Were any amendments submitted?

Karen Goodman:

No amendments were added. The problem with the word "continuous" is someone could chain a dog for 14 hours, then take it off for a few minutes, and put the chain back on for another 14 hours.

Chair Claborn:

This issue needs to be resolved.

Karen Goodman:

I just described a situation that would not be acceptable if the word "continuous" was added to the bill's language. I did put in 14 hours to accommodate hospital workers who are working 12 hour shifts. The Nevada State Medical Association requested the increase in hours. Having the pen size "...appropriate for the size and breed of the dog..." is to the advantage of the dog owner because animal control would have to prove that someone was breaking the law.

Animal control would go out to talk to the dog owner, and they would try to educate him. They can cite the dog owner. Animal control does not immediately elevate the penalty to a higher level unless the dog owner is continually breaking the law. Also, animal control usually takes testimony from two neighbors. This bill does allow tethering, and it does allow an owner to confine a dog. We are not trying to remedy all problems, but we did address and take into account every problem that arose. The bill passed out of the Senate on a 20 to 1 vote. I will answer any questions.

Assemblyman Segerblom:

I wanted to ask you for clarification on a statement that was made. One of the witnesses said you were going around the country and posing as an imposter to get these bills passed. Is that true?

Karen Goodman:

No, and I was not in the photograph mentioned. I am just working on this piece of legislation in Nevada.

Chair Claborn:

Is there anyone who would like to speak from a neutral position? [There was no one.] Is there any public comment? [There was none.] I am closing the hearing on S.B. 132 (R1).

I am going to name a subcommittee to give this bill further consideration. Mr. Stephenson and Ms. Ruedy will provide assistance at the subcommittee hearing. Mr. Ohrenschall will chair the subcommittee. The members of the subcommittee will be Mr. Aizley, Mr. Grady, Mr. Hogan, and Mr. Munford. If any other Committee members would like to join the subcommittee, they are welcome to do so. Witnesses need to provide Mr. Ohrenschall with public position emails and proposed amendments. The subcommittee should be able to develop some language that all parties can agree to. Are there any further questions? [There were none.]

This meeting is adjourned [at 3:22 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Natural Resources, Agriculture, and Mining

Date: May 6, 2009

Time of Meeting: 1:36 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 132 (R1)	C	Karen Goodman	Testimony
S.B. 132 (R1)	D	Karen Goodman	Photographs
S.B. 132 (R1)	E	Karen Goodman	Testimony of Beth Coen
S.B. 132 (R1)	F	Kristina Olson	Testimony
S.B. 132 (R1)	G	Frank McMillan	Testimony
S.B. 132 (R1)	H	Tom Jacobs	Testimony
S.B. 132 (R1)	I	Cherie Owen	Photograph
S.B. 132 (R1)	J	Beverlee McGrath	Testimony
S.B. 132 (R1)	K	Barrie Schuster	Testimony
S.B. 132 (R1)	L	Carol Infranca	Testimony
S.B. 132 (R1)	M	Barbara Kubichka	Testimony
S.B.132 (R1)	N	Candy Roper	Testimony