

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

**Seventy-Fifth Session
May 11, 2009**

The Committee on Natural Resources, Agriculture, and Mining Subcommittee was called to order by Chair James Ohrenschall at 1:59 p.m. on Monday, May 11, 2009, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 5100 Of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas. 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).

SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman James Ohrenschall, Chair
Assemblyman Paul Aizley
Assemblyman Tom Grady
Assemblyman Joseph M. Hogan
Assemblyman Harvey J. Munford

SUBCOMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

J. Randall Stephenson, Committee Counsel
Jennifer Ruedy, Committee Policy Analyst

Minutes ID: 1245

CM1245

Judith Coolbaugh, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Karen Goodman, Private Citizen, Reno, Nevada
Karen Layne, President, Las Vegas Valley Humane Society, Las Vegas, Nevada
Beverlee McGrath, California Legislative Specialist, The Humane Society of the United States, Oxnard, California
Asha Anderson, Private Citizen, Gardnerville, Nevada
Mitch Schneider, Lieutenant, Interim Director and Field Supervisor, Washoe County Regional Animal Services, Reno, Nevada
Joyce Barry, Private Citizen, Reno, Nevada
Barrie Schuster, Private Citizen, Reno, Nevada
Cherie Owen, Founder and President, Douglas Animal Welfare Group, Gardnerville, Nevada
Bonnie Finelli, Private Citizen, Las Vegas, Nevada
Barbara Kubichka, Private Citizen, Carson City, Nevada
Carol Infranca, representing the Concerned Nevada Pet Owners, Washoe Valley, Nevada
Chris Vaught, representing the Concerned Nevada Pet Owners, Washoe Valley, Nevada

Chair Ohrenschall:

This Subcommittee was established for further consideration of Senate Bill 132 (1st Reprint) which the full Committee heard on Wednesday, May 6, 2009. All members of the Subcommittee are present. I am opening the hearing on S.B. 132 (R1). Witnesses in support of the bill can come up to the witness table to give testimony.

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

Karen Goodman, Private Citizen, Reno, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit C](#)).] I am against amending the bill to include the word "continuous" before the number of hours that a dog can be tethered. I do not want a dog chained up for 14 hours, then removed from the chain for a very brief period before it is re-chained for another 14 hours. That is not the spirit of the bill. The breeders are opposing every single animal bill that has been brought forward this session. Is it because they do not want any animal legislation passed? I have submitted an additional

amendment to the bill ([Exhibit D](#)) to address a further concern put forth by the opposition. It states a person can tether a dog if he is walking or training it.

I have included in my exhibit photographs of the sled dogs that have been referred to in past testimony. In an earlier hearing, the health department testified about the deplorable conditions these dogs are living in. Are we going to allow this to continue, or are we going to stop this abuse? The people who had these sled dogs were shut down here, so they moved to California. They were shut down in California, so they moved back to Nevada. The last thing we want is to have these people returning to Nevada because our laws are not as strict as those in California.

Chair Ohrenschall:

We are going to move this simulcast to Las Vegas for testimony.

Karen Layne, President, Las Vegas Valley Humane Society, Las Vegas, Nevada:
We continue to support S.B. 132 (R1). I agree with Karen Goodman's comments.

Chair Ohrenschall:

I believe in an earlier hearing on this bill the local Las Vegas Animal Control stated the bill would help them. Ms. Layne, is your testimony finished?

Karen Layne:

We did hear from Henderson Animal Control, and they support this bill. Las Vegas Animal Control also supports this bill.

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

I would be happy to go over all of the different states' laws and all of their various language choices for similar bills.

Chair Ohrenschall:

We appreciate that, but our time is limited.

Beverlee McGrath:

It concerns our organization that opposition to this bill is based on the premise that this bill is too restrictive. All kinds of amending language have been added to the bill to satisfy their concerns. Now, they are saying much of the language is too vague. I question their motives. I understand that one of the organizations here today was formed March 26, 2009, to oppose other animal

bills. I would like to briefly review the amendments that have been incorporated into the original language of the bill.

The tethering time was originally increased from 9 hours to 12 hours. The 12 hour period was further extended to 14 hours. Any reference to adequate pen sizes, pulley, and trolley systems was deleted from the bill. The exemption to allow restraint for one hour while performing a temporary task was added to the bill. An amendment to prevent a dog from hanging himself or to become entangled in a tether was eliminated. The prohibition on the use of prong, choke, and pinch collars was removed. Language was added to allow a person to restrain a dog when walking or training it. The amending language and changes made to this bill are still unsatisfactory to the opposition.

Asha Anderson, Private Citizen, Gardnerville, Nevada:

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

Assemblyman Grady:

We heard the previous testimony on the bill. I would like to request that we hear from anyone with new information to present.

Chair Ohrenschall:

One or two of our members are going to have to leave for other committee hearings, so we need to hear from people who did not get to testify at the earlier hearings, or from people who have new information to add before we lose our quorum.

Mitch Schneider, Lieutenant, Interim Director and Field Supervisor, Washoe County Regional Animal Services, Reno, Nevada:

I did not get an opportunity to testify at the previous hearings because I was out of town. I want to testify that Washoe County strongly supports this bill. It is a needed bill, and it would give us the probable cause to address this concern within our community. Without this legislation, we do not have the tools to give us probable cause to address the problems. Nine out of ten times we handle these problems through education.

Joyce Barry, Private Citizen, Reno, Nevada:

Dogs are social, interactive animals just like us. Chaining for behavior modification is not the best method to use on any kind of animal that is trainable. Chains are not a substitute for training or for hands-on interaction with the animal. They are not a substitute for the owner's lack of time or attention. [Read from prepared testimony submitted in writing ([Exhibit F](#)).]

Chair Ohrenschall:

Is there anyone else wishing to testify in support of this bill before we return to Las Vegas?

Barrie Schuster, Private Citizen, Reno, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit G](#)).] I have to see "Oreo" chained up every day. Prolonged chaining of an animal is abuse. It needs to be a punishable crime.

Chair Ohrenschall:

I recall from the previous hearings where you testified that you did call animal control, but they said there was nothing they could do. Is that correct?

Barrie Schuster:

Yes, that is correct. Under the current law—which only states the animal needs food, water, and shelter—nothing could be done. As you can see from the bottom photograph of Oreo, he cannot go into his dog house for shelter from the sun because it is hotter than being outside. He is lying in the shade of a trash can which is not always so strategically placed. I have done volunteer work with the Society for the Prevention of Cruelty to Animals in California. Dogs that came into the animal shelter who were deprived of socialization needed to be worked with to make them adoptable. Unfortunately, a lot of the dogs who spent their whole lives chained up were slow to adapt to social behaviors. I urge you to support this bill.

Cherie Owen, Founder and President, Douglas Animal Welfare Group, Gardnerville, Nevada:

I have over 40 years of experience in the field rescue of dogs. Still, I was unprepared for some of the things I saw at the Douglas County Animal Shelter. I am here today in support of this bill. My work with the Animal Shelter has given me ample opportunity to see what happens to dogs that live on chains. I can tell you dozen of stories about these dogs, but I have included a photograph of only one of them ([Exhibit H](#)). His name is "Henry." Bolt cutters were needed to cut the heavy chain from his neck. We found him before the chain had been totally embedded into the flesh of his neck. He was one of the lucky ones. For the next year and a half, the volunteers at the shelter took care of his medical needs and worked to gain his trust. It was slow-going with this badly damaged dog. One day, a wonderful couple came in and adopted him. He was going to be a house dog.

Chair Ohrenschall:

We are moving the simulcast to Las Vegas for additional testimony.

Bonnie Finelli, Private Citizen, Las Vegas, Nevada:

I am in opposition to S.B. 132 (R1), so I do not know if you want me to testify now.

Chair Ohrenschall:

Is there anyone else in favor of the bill in Carson City or Las Vegas? [There were none.] We will proceed to hear from those people in opposition.

Bonnie Finelli:

I do not know why you feel so pressured by the animal rights activists. Through their hysterical rhetoric, they are attempting to rewrite every existing animal law in Nevada and throughout the country. Do you not have more important issues such as education, child welfare, unemployment, commercial and residential real estate, crime, and voter fraud to contend with? Will someone with common sense step up and speak? There are existing laws on the books to cover everything that S.B. 132 (R1) rehashes, and as usual these laws are not enforced. It is not your political stepping stone to pass redundant legislation. Even if this bill is passed, the pit bulls will still be tethered or left to run loose in their drug dealer owner's home. Animal control officers will still not enforce the law. No laws or extreme penalties will be effective, but the animal rights activists will feel better. People will still abuse children, pets, and each other. I ask that you focus on what is important and prioritize it. I oppose this bill.

Chair Ohrenschall:

Is there any opposition in Carson City?

Barbara Kubichka, Private Citizen, Carson City, Nevada:

I spent the weekend reading up on current laws on the books. We already have laws available for the prevention of cruelty. I have distributed to the Subcommittee a copy of my remarks ([Exhibit I](#)). I belong to SaveRNVAnimals, and we are proposing the addition of one simple line to Chapter 574 of the *Nevada Revised Statutes* (NRS) that states: "tethering, chaining, or tying out of a dog in a cruel manner." This is the language we propose ([Exhibit J](#)), and I have also included examples of other existing statutes which protect dogs. The tools for enforcement are already on the books, and they will be strengthened by the inclusion of the new language we propose.

I also want to point out that in NRS 561.025 dogs come under the definition of livestock. Due process for enforcement is also in the existing statutes. Adding this one line to the existing statute would solve the problem with no new taxes or expenses. It would give animal control officers the "teeth" they need to assess a tethering situation and mete out the punishment as they see fit. I have also included a letter from a rural Nevada resident who is also in opposition to this bill ([Exhibit K](#)). We are Jeffersonian Democrats. Government should be for the people, and it should not be influenced by people whose interests are outside of this state.

Chair Ohrenschall:

We will hear from the next opposition witness.

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

[Read from prepared testimony submitted in writing ([Exhibit L](#)).] I believe existing animal control laws will handle most of the concerns brought forth by proponents of this bill. I have included in my exhibit amending language that would resolve the tethering problem. Perhaps instead of regulating how many hours a dog can be on a tether, it might be better to regulate how many hours a dog must be off the tether and allowed to exercise.

Chris Vaught, representing the Concerned Nevada Pet Owners, Washoe Valley, Nevada:

It is not dog breeders who are necessarily opposed to this bill. Our organization is for pet owners. It is not a dog breeding organization. Our concern is the language is too broad. Someone who is not abusing his dog could be held criminally accountable. Tethering, in and of itself, is not abuse. I do agree that a dog should not live its life on a chain. However, there are studies that show tethers do not necessarily create aggressive dogs. I urge you to consider the facts, not the emotion. I do not want to see a lot of people entrapped by this law because they may not have the means to keep a dog in their home or have the dog with them 24 hours a day, 7 days a week. It may be more prudent to define what actions are abusive as opposed to creating legislation to govern tethering dogs.

Chair Ohrenschall:

Are there any more witnesses who wish to testify in opposition? [There were none.] I would like to call back to the witness table one of the animal control officers. [Mitch Schneider came to the witness table.] I have a question for you. One witness cited NRS 574.220 about "ambient temperature." Does that law apply to every dog owner, or does it just apply to dealers and breeders?

Mitch Schneider:

The definitions in Chapter 574 of the NRS tend to apply to operators which include a shelter, boarding facility, or breeder. The general description of adequate air and appropriate temperatures applies to all animals in general, but it is very vague.

Barbara Kubichka:

I think we should change the definition of the word "operator" to owner or responsible party. That would cover the situation where someone is abusing a dog that they are "dog sitting," and they could be held responsible. I suggest we change some of the terminology definitions and use our existing laws to address the tethering issue. I have no problem with that. It is clean, easy, and simple, and adds no additional taxes.

Karen Goodman:

Las Vegas Animal Control, Henderson Animal Control, Carson City Animal Control, Lyon County Animal Control, and Washoe County Regional Animal Services support this legislation. Clark County Animal Control and the City of North Las Vegas are remaining neutral because it is not their policy to comment on these types of issues. However, I have spoken to them.

Chair Ohrenschall:

Are there any questions?

Assemblyman Hogan:

We have less than three weeks left in this session. In my opinion, the bill that arrived here from the Senate is a reasonable product. It addresses the problem in a variety of ways. It is not quite as restrictive as proponents originally wanted, and it may be a little more restrictive than what the opponents wanted. We often end up with that sort of compromise. We prefer to make everyone perfectly happy, but that is seldom possible to do. It is in everyone's interest to complete action on this bill. I prefer the Senate's version of the bill to eliminate the need for further resolution with the Senate.

Assemblyman Grady:

I agree with Mr. Hogan's comments. The amendments should have been brought forward when the bill was heard in the Senate. With the compromises that have been made, this is a bill I can support.

Chair Ohrenschall:

When I look at the bill as originally introduced, there was a 9 hour limit on tethering a dog. It has now been extended to 14 hours. On page three, there are eight exceptions to the tethering law. As it stands, the bill is reasonable, and both sides have worked hard to accommodate everyone's interest. I would recommend a do pass on this bill to the full Committee. I will entertain a motion.

ASSEMBLYMAN MUNFORD MOVED TO RECOMMEND A DO PASS
ON SENATE BILL 132 (1st REPRINT) TO THE COMMITTEE AS A
WHOLE.

ASSEMBLYMAN AIZLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will take any public comment at this time.

Assemblyman Aizley:

I would like to point out that in all of the hearings on this bill, no one gave any reasons why a dog has to be tethered.

Chair Ohrenschall:

I am closing the hearing on S.B. 132 (R1). This meeting is adjourned [at 2:32 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblyman James Ohrenschall, Chair

DATE: _____

EXHIBITS

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

Date: May 11, 2009

Time of Meeting: 1:59 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	Proposed Amendment
S.B. 132 (R1)	E	Asha Anderson	Testimony
S.B. 132 (R1)	F	Joyce Barry	Testimony
S.B. 132 (R1)	G	Barrie Schuster	Testimony
S.B. 132 (R1)	H	Cherie Owen	Photograph of Dog "Henry"
S.B. 132 (R1)	I	Barbara Kubichka	Testimony
S.B. 132 (R1)	J	Barbara Kubichka	Proposed Amendment
S.B. 132 (R1)	K	Barbara Kubichka	Letter in Opposition from Carlene McKinnell
S.B. 132 (R1)	L	Carol Infranca	Testimony