

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

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

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:39 p.m. on Wednesday, March 11, 2009, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, 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:

Jennifer Ruedy, Committee Policy Analyst
Judith Coolbaugh, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Dr. Phil LaRussa, State Veterinarian, Division of Animal Industry, State
Department of Agriculture
K. Neena Laxalt, representing the Nevada Cattlemen's Association, Elko,
Nevada
Doug Busselman, Executive Vice President, Nevada Farm Bureau
Federation, Sparks, Nevada
Rob Buonamici, Chief Game Warden, Law Enforcement Division,
Department of Wildlife
Kim Jolly, MPA, Management Analyst III, Legislative Contact, Department
of Wildlife
John R. McKay, Outdoor Education Coordinator, Conservation Education
Bureau, Department of Wildlife
Jeremy Drew, representing the Coalition for Nevada's Wildlife, Inc., Reno,
Nevada
Kyle Davis, representing the Nevada Conservation League, Las Vegas,
Nevada
Larry Johnson, President, Coalition for Nevada's Wildlife, Inc., Reno,
Nevada

Chairman Claborn:

[Stated the Committee rules to those present.]

Today, we are going to hear Assembly Bill 242 regarding diseased cattle and
Assembly Bill 246 regarding hunting licenses.

We will have a work session on Assembly Bill 15 and Assembly Bill 199.

I would like to open the hearing on A.B. 242.

Assembly Bill 242: Revises provisions governing the confidentiality of a report
of trichomonosis in cattle. (BDR 50-1005)

Assemblyman Goicoechea:

I want to disclose that my son is a veterinarian, but I do not think this will affect
him or me in any way, so I will be voting on the bill.

Chairman Claborn:

Could you let us know a little bit about what we were discussing the other day before we adjourned?

Dr. Phil LaRussa, State Veterinarian, Division of Animal Industry, State Department of Agriculture:

The confidentiality requirements of *Nevada Revised Statutes* (NRS) 571.160 have limited our ability to trace diseases and for veterinarians and private individuals to control the disease. The current restrictions do not allow us to notify anyone, besides the owner, of the disease being found on a premise. Yet, we go to the adjoining premises and tell them they are under quarantine; we can not tell them why. We tell them they are under quarantine, they cannot move their animals, and they must test their animals. Also, we cannot tell the private practitioner of the affected herd and that there is a problem with the herd. The practitioner cannot write a health certificate, and the practitioner cannot move the animals. We cannot tell people when the problems have been solved. As such, they do not know when their herd is clean so it can be moved to comingled grazing. We applaud the language that exists in the revised A.B. 242 for solving the problems on tracing disease and notifying personnel that the disease exists.

Assemblyman Carpenter:

I do not have a question. I want to reinforce this testimony, that we really do need this so it is not kept confidential. We need to be able to shed a little light on this.

K. Neena Laxalt, representing the Nevada Cattlemen's Association, Elko, Nevada:

I am here to strongly support A.B. 242.

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation, Sparks, Nevada:

The Nevada Farm Bureau, the Nevada Cattlemen's Association, the Board of Agriculture, and the Department of Agriculture have been involved, for a couple of years, in cooperatively working to put together a workable program to address the concerns that we, as an industry, have over trichomonosis and the way it has been spreading. We believe that A.B. 242 fits into the necessity of trying to make that program more workable. We will be able to go forward in helping to solve the problem.

Chairman Claborn:

Hearing no opposition, I want to bring Assembly Bill 242 back to the Committee. We will close the hearing on A.B. 242. Hearing no questions on A.B. 242, I will entertain a motion.

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
ASSEMBLY BILL 242.

ASSEMBLYMAN MUMFORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I would like to open the hearing on Assembly Bill 246.

Assembly Bill 246: Provides for the issuance of an apprentice hunting license.
(BDR 45-512)

Assemblyman David P. Bobzien, Washoe County Assembly District No. 24:

I have before you today Assembly Bill 246 which establishes an apprentice hunting program and an apprentice hunting license. In your packet, you should have a letter of support ([Exhibit C](#)) from the National Rifle Association (NRA), you should have a letter of support ([Exhibit D](#)) from the U.S. Sportsman's Alliance, and you should also have a letter of support ([Exhibit E](#)) from a program called Families Afield, which is a coalition of a number of different sporting organizations dealing with the question of youth hunting and whether or not we are adequately passing along the hunting tradition to the next generation. I will be referencing some of those materials during the course of my presentation.

Assembly Bill 246 is designed to address a very serious problem that we heard about earlier this session. That problem is the decline in license sales for hunting in Nevada. Because of the funding we are losing out on, our state's wildlife is directly impacted. Although Nevada is one of the fastest growing states in the nation, hunting license sales, as a percentage of the population, have steadily declined over the past 20 years ([Exhibit F](#)). From 1980 to 2006, hunting license sales declined 58 percent in Nevada, and the trend has magnified from 2005/2006 to 2006/2007, dropping 92 percent, that is 2,636 fewer licenses. Of course, this kind of mirrors a similar trend at the national level. According to the U.S. Fish and Wildlife Service, nationally, hunters have declined as well. From 2001 to 2006, there were 524,000 fewer hunters. The average age of hunters is increasing, yet the new and junior hunters are not replacing aging hunters.

I will introduce another ranking for Nevada on which we are low on the scale. This is a very specific measurement that is known as the hunter replacement ratio. We are 49th in the nation for our hunter replacement ratio, which is currently .3. That number is an indicator of what is to come as the next generation of hunters emerges, meaning that there is approximately one hunter ready to replace every three hunters currently enjoying the sport in Nevada. Specifically, behind that math, in 2000, only 3.3 percent of Nevadans aged 16 or older engaged in hunting. Of the next generation coming up, which is classified as ages 6 to 15, that figure is only .9 percent. We see a steadily decreasing number of folks who buy hunting licenses and support our wildlife management programs here in Nevada.

The apprentice program is something that has been looked at in other states. It has been adopted in other states and is showing some early success. The letters of support that you see from these different organizations all state that this is a wonderful tactic to try to solve this problem and introduce more people to the sport. This is a "try before you buy" program aimed at getting more people into the sport. I have a personal perspective on this from the various recreational activities that I engage in, with what little free time I have in my legislative and professional life. I do a lot of outdoor recreation, everything from snow sports to backpacking, fly fishing, et cetera. I take great pleasure in being able to take friends and colleagues on those excursions and introduce them to new forms of outdoor recreation. One of my proudest moments was the first time I took my wife fly fishing and she was able to get her hook into a couple of brown trout. That is a very wonderful thing to be able to do, to be able to pass along a sport to someone else. I know a lot of people, and I hope a lot of Nevadans, will see it the same way.

The problem with hunting is a little bit different. In this day and age, we can go to the outdoor store and rent gear or get snow pants to go skiing, or what have you, but to go for a day of hunting is a different challenge. We have, and rightly so, a very comprehensive and high quality hunter's education program in this state, which I believe is a very important program for teaching sportsmen about firearm safety, hunting safety, conservation issues, et cetera. I believe all hunters in Nevada should take that program. The problem is someone may not want to dedicate an entire Saturday or multiple evenings to that program before they have had exposure to the sport, to know whether or not they want to make a long-term commitment. That precludes a lot of people from wanting to give this a try.

The idea behind this bill is that someone could purchase an apprentice hunting license, good for a year, go out into the field with a mentor hunter who would guide him and provide him with some basic knowledge related to firearm safety;

I will address that as we walk through the bill. The idea is that, hopefully, they will get that experience in the field and then decide in the next year to take a hunter's education class. Hopefully, they will take the hunter's education class and then will be licensed hunters and sportsmen for many years into the future.

Section 1, line 11, reads, "The Department shall not impose a fee for the issuance of an apprentice hunting license." I want to emphasize that. The idea is that if there are any associated stamps or other fees, the Department should be able to recoup those, but the overall license itself is \$0. I hope we will see another fiscal note from the Department showing that, even though they are not making enough money on the license, there will still be some money coming into the Department through an increase in apprentice activities. Hopefully, we will see that.

Another point to raise is on section 1, subsection 6, paragraph (b), line 24: "Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130." The idea is that you cannot, as an apprentice hunter, hunt any animal for which a tag is required. As we worked as a group with the sportsmen to put this together, I felt it was very important to acknowledge that the species in this state that require a tag draw to be hunted are scarce enough that we do not want to put any more competition into the mix for current license holders. The apprentice license would not apply for hunting deer, or bighorn sheep, or anything else. It is primarily for upland game, waterfowl, and stamp species. That is a very important point to make.

Assemblyman Goicoechea:

I do not see in the bill where it says you cannot get the apprentice tag for the second year, and I know that is your intent.

Assemblyman Bobzien:

That is the intent, that it is for one year. Maybe I will have the Department take a look at this because I thought we had this taken care of, the idea being you cannot roll it from year to year. You only have one year to do this; you cannot do this in perpetuity. Eventually, if you like it, you have to commit.

Assemblyman Goicoechea:

I read through it, and I do not see that.

Assemblyman Bobzien:

There are other points I wanted to make on section 1, subsection 8, paragraph (c). The mentor hunter must be 18 years of age or older and hold a hunting license in the state. I clarify that some responsibility is necessary for being a mentor.

Chairman Claborn:

That was my concern.

Assemblyman Bobzien:

We wanted to add some additional responsibility for the mentor and clarify the relationship between the mentor and the apprentice. The mentor shall ensure that the apprentice is capable of safely handling a firearm and obeys all wildlife laws while in his presence. I think it goes without saying that if you are out in the field with someone, you want to make sure they know how to use a firearm. This makes it clear that it is the mentor's responsibility to ensure that happens. We are assuming a basic level of safety here. Certainly, there is a more comprehensive treatment of this issue in the hunter's education program. In my conversations with the Department, we envisioned giving basic guidelines to mentors as to what they should be doing with their apprentice to ensure a quality experience and a safe experience.

Assemblyman Goicoechea:

As I look at your amendment, it looks like you are inserting that in subsection 8, paragraph (c), but then where does the present subsection 8, paragraph (c), go? Is that added to it?

Assemblyman Bobzien:

This would probably become subsection 8, paragraph (d). We will let legal mock it up and see how it goes, but I think it is added in an additional paragraph.

I will let the Department address the last part of this bill. We were taking this opportunity to clarify some of the articulation between different jurisdictions as it pertains to hunter's education programs. You will see that in section 2, subsection 1, paragraph (b). I will leave it to the Department to get that straightened out.

This is a program that has been put in place in a number of other states. This is not my idea. We have some early numbers from some of these states which show this as being very popular. The State of Washington had the first apprentice program. They issued 7,900 licenses in their first year of operation. Oregon issued 1,569 licenses in their first year. Wyoming has a new law for 2008/2009, so we do not have a number for them. Arizona has a law that just became effective on January 1, 2009. Montana is currently considering this bill in their state legislature. There are also some states in the east that have enacted legislation, and, of course, their numbers are much greater.

This is definitely an idea that is moving across the country, and I think it is a wonderful idea for getting more youth and more people in general into the sport of hunting. That may not be the best policy goal for the state, but in my opinion, the reason this is so important is not because of providing funding for wildlife programs in the State of Nevada, but, overall, hunters and sportsmen are some of the best conservationists of the natural resources we have. We certainly do not leave out cowboys who, as Mr. Carpenter pointed out, are also important conservationists. We need to plan now for the next generation to take care of our resources.

Assemblyman Carpenter:

Did you envision having an age limit on this, or does it make any difference?

Assemblyman Bobzien:

I did not see an age limit as being necessary, nor did I see it as being a positive addition to the bill because I see two primary target audiences here. I see the youth greatly benefitting from this legislation, but I also see people in their later years who want to participate in this sport. I am trying to remember what the cutoff age is now for hunter's education. Maybe the Department can speak to this. If you are well into your forties and you decide you want to take up hunting for the first time, you have to take hunter's education.

Assemblyman Goicoechea:

The cutoff age is 49.

Assemblyman Bobzien:

There should be a "try before you buy" option so that if someone who is in his forties decides he may want to take up the sport, he has an opportunity to try it before fully committing to it.

Chairman Claborn:

My question is on section 1, subsection 6, paragraph (b). It says, "Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130." Can you explain to me what that actually means?

Assemblyman Bobzien:

In subsection 6, the issuance of an apprentice hunting license does not allow you to hunt an animal for which a tag is required.

I think probably the best way to proceed is to have the Nevada Department of Wildlife (NDOW) speak on the specifics of the bill and some of the implementation issues and then have supporters come forward.

Assemblyman Hogan:

As you know, we have had a considerable flow of public comments, by email for the most part. The ones I have seen are primarily very supportive. There was one very thoughtful letter that was supportive of the concept, but the writer is very concerned about safety because this is an exception granted to a very young and inexperienced person handling a firearm. I think this person was seriously interested in improving the flow of people into the sport, but that part scared him. I am wondering what your thought is on that. Obviously, the responsibilities of the mentor are intended to minimize any risk to safety. I am interested about that particular issue.

Assemblyman Bobzien:

Mr. Hogan, thank you for raising that point. It is a very valid one and one we are seeking to address with this amendment ([Exhibit G](#)). Indeed, it was a concern that arose with one of the sponsors of the bill. We are striking a balance here. We do not want to completely take safety off of the table by giving someone the chance to "try before they buy." That is why we are adding the passage about the mentor's responsibility to ensure the apprentice has demonstrated that he or she is capable of safely handling and shooting a firearm. This brings up the question of how can we pass along information to the youth about firearm safety? That is a very important issue, and we in no way intend to take that off of the table. It will be interesting to see how the program unfolds and what materials the program might develop to coach mentors on safety. In my mind, a good mentor-apprentice relationship involves a mentor who is an expert with firearms and who can take the time to teach those various skills to an apprentice, one-on-one, so they do not get into an unsafe situation.

Assemblyman Aizley:

I am not familiar with the laws in Nevada. Is it possible for a hunter to take their child with them on a hunt at any age? Obviously, they would not be hunting, but can they accompany a hunter?

Assemblyman Bobzien:

You can walk along with a hunter. The distinction is walking along versus being engaged in the hunt and safely carrying the firearm, actively looking for quarry, and taking a quarry.

Rob Buonamici, Chief Game Warden, Law Enforcement Division, Department of Wildlife:

With regard to the one year requirement, where the intent is that the apprentice license is only good for one year, section 1, lines 6 through 8 reads, "The Department shall issue an apprentice hunting license to a person who...has not

previously been issued a hunting license by the Department, another state or an agency of a Canadian province, including, without limitation, an apprentice hunting license...." If they have already obtained an apprentice hunting license, they cannot obtain another one. I believe we have that covered.

Assemblyman Goicoechea:

I assume these apprentice licenses would be available at every vendor station. Is that how you are going to disperse them?

Rob Buonamici:

I believe they would have to go through a department office, but I will double check with our folks on that. That would be the cleanest way to do it, as opposed to going to the store and buying one. We would have to check into that. I am not sure what our license folks have set up, exactly.

We have had a tremendous amount of discussion on this bill in-house at NDOW, and I can tell you from a law enforcement perspective that we are supportive of the bill and its concept. We who have been out in the field have noticed the decline. Motivating people to be recruited into the sport would address some of those issues.

Kim Jolly, MPA, Management Analyst III, Legislative Contact, Department of Wildlife:

On the question about where they would be sold, we have spoken with the vendor who does our licenses, and they would be available online, which is 24 hours a day, and in our NDOW offices because of the issues with the fee and the various tags and qualifying. We have had some issues with other special-type licenses, and those are also sold in our offices as well, such as the discounted licenses. At this time we would like to focus only on the NDOW offices and online.

Assemblyman Goicoechea:

Are you telling me I could not buy a senior tag or a junior tag at a vendor station?

Kim Jolly:

No, some of the other special licenses, like the veterans license, the Native American license, and things like that, you cannot buy at a vendor station because it is a little more than they can handle. That is our intent right now.

Assemblyman Goicoechea:

I hoped they would be available at a vendor station so that a dad could buy a hunting license and also get an apprentice tag for one of his children.

Kim Jolly:

That is what our fiscal note addresses now. If you expand it, the programming price goes up.

Assemblyman Goicoechea:

We do not want any big fiscal note.

Assemblyman Hogan:

I was curious as to whether the Department would inquire as to whether this apprentice would need stamps, and ask what they are going to be hunting. How would you handle that?

Rob Buonomici:

Our intent there is to start out slowly with this once it is passed. With regard to the online part, there will be notes and messages that if you are going to hunt upland game with this license, you will need an upland game permit. That has been of some concern with opening this up to Wal-Marts and stores all over. Obviously, we want to make these as readily available as possible. Honestly, we have not gone that far down the road on all of the intricate details concerning how we would release it to Wal-Marts and mom-and-pop stores. Right now, we just want to make it clear that if you get an apprentice license and you are going to hunt upland game, you need an upland game stamp. If you are going to hunt waterfowl, you need the appropriate waterfowl stamps.

Assemblyman Goicoechea:

If I had an apprentice license and an upland game stamp, could I walk into Wal-Mart with my apprentice license and get the duck stamp?

Rob Buonomici:

Absolutely.

Assemblyman Aizley:

Is the license good for a year from the date of purchase, or is it seasonal, or is there some other limitation on it?

Rob Buonomici:

The Department of Wildlife hunting and fishing licenses all expire on the last day of February and become effective the first day of March.

Assemblyman Aizley:

Would that be true of the apprentice license?

Rob Buonomici:

Yes.

John R. McKay, Outdoor Education Coordinator, Conservation Education Bureau, Department of Wildlife:

I believe this program strikes a good balance between maintaining safety and allowing folks to try hunting. Research has shown that a lack of social support is something that keeps a lot of people from getting into hunting. It is not so simple to just pick up a gun or a bow and head out into the field and learn to do it for yourself. Research has shown that if you do not come from a family that hunts, you tend not to be a hunter. A lot of these apprentice bills are trying to establish that social network, people who can take a hunter out and show them how to do things. By putting responsibility on the mentor, which is exactly what the bill is doing, it is asking those folks to show the others the ropes.

Jeremy Drew, representing the Coalition for Nevada's Wildlife, Inc., Reno, Nevada:

[Spoke from written testimony ([Exhibit H](#)).]

Assemblyman Grady:

You mentioned that in a number of other states that have this program, it is very successful. Can you give us an idea of how many?

Jeremy Drew:

I do not know the count on the number of states. I know the National Rifle Association (NRA) has been very supportive of this program around the nation. I talked to a gentleman yesterday from Ohio who was asking about our testimony today. He said that the program in their state, and also in Pennsylvania, had been very successful. Of course, their numbers are much larger because, obviously, they have a larger population base. He was telling me that the early results have shown great participation and a very safe track record in the program. Those are a couple of ones that I know of in addition to what David mentioned earlier.

Kyle Davis, representing the Nevada Conservation League, Las Vegas, Nevada:

I think a lot of the arguments have been well outlined. The Nevada Conservation League is definitely in support of this bill. I do not have to explain to this Committee the fact that the vast majority of the funding for the Department of Wildlife comes from user fees. It comes from money from fishermen and hunters, so that is obviously very important. As we have heard, the declining number of hunters means less money for wildlife protection and habitat improvement. The hope is that if we are going to put a program like this in Nevada, we might be able to reverse some of those numbers and get them back up again, meaning more funding for wildlife protection and habitat improvements that can benefit the State of Nevada. Those are our main reasons for supporting the bill.

Larry Johnson, President, Coalition for Nevada's Wildlife, Inc., Reno, Nevada:

I am speaking in support of this bill. We have a slightly different take on the importance of this bill: Which is to recruit additional sportsmen, not only as a source of revenue for the Department of Wildlife, but also as advocates for Nevada's wildlife. Nevada Bighorns Unlimited, in cooperation with the Nevada Department of Wildlife, the land management agencies, and the Department of Agriculture, embarked on a program about 30 years ago to bring back bighorn sheep from the brink of extinction. We now have more bighorn sheep in the State of Nevada than in any other state other than Alaska. It is one of the wildlife success stories of the world.

A big piece of that success is due to private dollars and volunteered time in building field projects, water developments, and so forth. We have more antelope and elk in the State of Nevada than at any time in recorded history. A lot of private dollars and tens of thousands of volunteer man-hours have gone into these programs. The support of this is probably best exemplified by a bumper sticker that says, "If you enjoy Nevada's wildlife, thank a sportsman." That kind of tells our story.

Last Saturday, we took 45 volunteers and spent \$30,000 for a water development project in the Gabbs Valley Range for mule deer and antelope in an otherwise dry, barren land, which will expand their viable habitat tremendously. We have about half a dozen of these projects a year that we do. It all reaps tremendous benefits in revenue, as the population numbers and tags imply.

At the same time, we need to stress the importance of Nevada's wildlife. We need to impress that upon people who are moving to the state and people who have not been acquainted with the outdoors before; this apprentice program is a tremendous way to do so. We have been extremely active in trying to recruit, particularly amongst the youth. We have lobbied for youth tags, we sponsor

fishing derbies in Sparks and Tonopah, and we sponsor college internships for Nevada high school graduates who are majoring in wildlife management. This bill is just another step in trying to recruit more people who value Nevada's wildlife, who, ultimately, we hope, will want to get involved in our conservation efforts.

Chairman Claborn:

I notice that you stated we have a rise in animal population in regard to antelope, elk, and whatever, but you never mentioned the rise in mule deer.

Larry Johnson:

Unfortunately, sagebrush-obligate species across the west are in decline. We actually spend more money on sagebrush-obligate species, particularly mule deer, than we do on bighorn sheep, although our name is Nevada Bighorns Unlimited. So, we are working on it.

Kim Jolly:

I wanted to answer the question about how many other states offer apprentice licenses, and it is 27.

Chairman Claborn:

I will close the hearing on Assembly Bill 246 and bring it back to the Committee.

We will now start on Assembly Bill 15 in a work session.

Assembly Bill 15: Revises provisions governing notice of sterilization requirements for dogs and cats. (BDR 50-203)

Jennifer Ruedy, Committee Policy Analyst:

Both of these bills, A.B. 15 and A.B. 199, were put into subcommittees that met on Monday. The work session document explains Assembly Bill 15 as it was originally introduced. It requires that sterilization requirements for dogs and cats be posted in licensed veterinarians' offices and by governmental entities that have any jurisdiction over public parks where dogs or cats are allowed in those parks. The bill, as it was originally introduced, basically required a posting of the notices in those two places. Ms. Giunchigliani, Clark County Commissioner, brought forth an amendment to the bill at the Committee meeting on February 23, 2009. In response to concerns raised by the Committee, Ms. Giunchigliani subsequently provided two additional amendments to staff in a mock-up form and a fourth amendment in a mock-up form to the members of the subcommittee. In this document ([Exhibit I](#)) are all

of those different mock-ups provided by Ms. Giunchigliani. It was the fourth mock-up that was actually considered by the subcommittee on Monday, and there is a mock-up of the recommendations of the subcommittee following the report of the subcommittee, which Mr. Hogan will address.

Assemblyman Hogan:

We had two documents to work with. The first was a bill which was simply intended to require posting of the existing requirements requiring the spaying and neutering of pets. The second document introduced the idea on a larger scale, which would require, under various circumstances, the spaying and neutering of animals before they could be sold or given as gifts. The effort was to integrate these two concepts as smoothly as possible. This will have a final drafting exercise, so there could be minor technical improvements or improvements for clarity. Essentially, we felt that rather than creating new, specific legal obligations for people, we would use the approach of stating the obligation to spay and neuter would apply "if required by local ordinance." There is a good deal of interest in doing that in Clark County, but I think it has not been successfully done. It has been done in North Las Vegas, but we do not know of any other location in the state. It seemed to us, rather than impose new requirements, we would try to support those requirements that had been decided upon by the people of any municipality or county. They would become covered by this in the future if and when they make the decision, locally, to require spaying and neutering.

We very much wanted to be sure that we did not include breeders, and people possibly buying and selling animals for a number of uses which are traditional and generally carried out and overseen by people who know their business and regularly employ veterinarians. There are exemptions for people involved in hunting. There is a broad exemption relating to farming and agriculture, breeding, the drawing of heavy loads, service animals, or service animals in training. We were also aware of the fact that at least one jurisdiction has a permit in existence that is supported by local ordinance. It is called a dog fancier's permit or a breeder's permit. They would also be exempted in that they could purchase an unsterilized dog if they had that permit. That would indicate they are actively engaged in the business and presumably have the expertise to make sure either the sterilization is not done, if for breeding, or when it is done, it is done properly.

There is one specific requirement that was incorporated into the bill on page 4 at the end, entitled "separating a dog or cat from its mother." A retailer, dealer, or operator shall not separate a dog or cat from its mother until it is eight weeks of age or accustomed to taking food or nourishment other than by nursing, whichever of those two is later, so it would be a minimum of at least eight

weeks. If the young animal was still nursing, it would stay with its mother until that phase of its life was completed.

That is the overview. This was adopted by an overwhelming majority of the three members of the subcommittee, but we would be happy to accept any thoughts you have.

Chairman Claborn:

You did a very good job.

Assemblyman Goicoechea:

I do not know about the rest of the Committee, but I am still not really comfortable about how it flows, especially as we go from section 2, subsection 1, and then subsection 2. It seems kind of cumbersome to me. We on the subcommittee knew what we meant. When you read subsection 2, "An unsterilized cat..." and section 3, subsection 1, it does not seem to flow as well as I would like it to. I do not know if the rest of the Committee has a problem with it. We talked in subcommittee about taking subsection 2 out. We already have an exemption for breeding animals. Maybe we would be better off to put a permitted pet dog fancier there. I just do not like the way it flows right there because we talk about gifting or trading and talk about "if required by local ordinance." Does that mean the local ordinance requires that you barter, gift, or trade? To me that does not flow very well. I will defer to the rest of the Committee. We struggled with this language in the subcommittee meeting, too.

Assemblyman Carpenter:

The cat section says that a retail dealer, before selling, must spay or neuter a cat, but the dog section does not say anything about taking care of the dogs.

Assemblyman Goicoechea:

That is the trouble with it. We have section 2, subsection 1, where the dealer only has to spay or neuter the animal if it is required by local ordinance, which is on the previous page. Subsection 2 gets kind of sticky. Section 2 is not required unless there is a local ordinance that requires it, whether it is a dog or a cat.

Jennifer Ruedy:

Mr. Carpenter is correct. At section 2, subsection 1, it says, "A retailer or dealer shall, before selling, bartering, gifting, or trading, spay or neuter any cat if required by local ordinance." It should have that same language in section 3, subsection 1: "A retailer or dealer shall, before selling, bartering, gifting or trading any dog, spay or neuter any dog...." It should have that exact same

clause in there. That was accidentally omitted and should certainly be in there. That was the understanding at the end of the subcommittee meeting.

Chairman Claborn:

Not putting that in was just a mistake? You are saying we can amend that section as it was supposed to be. Will that satisfy you, Mr. Goicoechea?

Assemblyman Goicoechea:

Yes, it definitely needed to be there, but I am still concerned about the next subsection, whereby an unsterilized dog is exempt from this provision. Does it flow well enough for everybody else?

Assemblyman Carpenter:

I really do not know what it means.

Assemblyman Goicoechea:

That is what concerns me. It says any unsterilized dog may be exempt, but it is already exempt if you do not have the local ordinance, so it does not flow together. Subsection 2 says that you are exempt if you have a breeder's permit or a dog fancier's permit.

Assemblyman Grady:

Looking this over, I do not see where it does anything. If you do not have a local ordinance, it does not do a thing.

Assemblyman Goicoechea:

That was clearly the intent.

Assemblyman Grady:

Well then, it does that.

Assemblyman Goicoechea:

As long as you feel comfortable with it that way, that was the intent.

Assemblyman Grady:

Personally, I do not know why we are even doing this. It is like saying you can not drive a car unless you already have one.

Assemblyman Goicoechea:

In defense of the bill, it does do a couple of things. It requires that if there is such an ordinance in place, you post it at parks and clinics and/or any other site that is established by public hearing. It also says you can not wean them before eight weeks. That is the context of the bill.

Assemblyman Gustavson:

Page 1, section 2, subsection 1, says, "Every retailer or dealer shall, before selling, bartering, gifting, or trading, spay or neuter any cat if required by local ordinance." I think if we added one word it might help clarify part of this. We could say, "...shall spay or neuter any cat." That kind of runs together there.

Assemblyman Ohrenschall:

At the bottom of page 1, section 2, if we started the sentence with, "If required by local ordinance, a retailer or dealer shall before selling, bartering, gifting, or trading, spay or neuter any cat," then we could go on to the exemption about "an unsterilized cat is exempt from this provision." That way we have prefaced it on whether local ordinance applies, and we can do the same thing for the dogs. We start with, "If required by local ordinance, a retailer or dealer shall, before selling, bartering, gifting, or trading, spay or neuter any dog." I think it makes the bill clearer in that the exemption applies only where the local ordinance applies, and the exemption for the unsterilized dogs or cats is applicable only to the pet fanciers.

Chairman Claborn:

That makes a lot of sense to me.

Assemblyman Bobzien:

I am confused. Is this an issue where the county governments are not currently empowered to do this and that is why we are tip-toeing toward it? Is this some kind of enabling thing, or is this just to set up the language and then give an exemption for it altogether?

Chairman Claborn:

My understanding is that they could not get this passed in Clark County, so maybe they could get it passed statewide.

Assemblyman Bobzien:

They do not otherwise need enabling. They can just do this as a local ordinance regardless of what happens with this bill, correct?

Chairman Claborn:

They could get it passed.

Assemblyman Goicoechea:

What happens if we just delete subsection 2 in both sections? It does not say anything. We are just making it confusing because we are not even sure whether we are talking about a local ordinance or whatever. We would just say

that a retailer or dealer shall, before selling, bartering, gifting, or trading, spay or neuter any cat, if required by local ordinance.

Assemblyman Hogan:

I support taking out subsection 2 from sections 1 and 2. The one thing left that I think has some merit is the weaning provision. I think stores will sell them as soon as they are cute enough to sell. I think that would be a good thing to keep. I think we can lift out subsection 2 from both sections where it appears and make the necessary connecting changes.

Chairman Claborn:

Let us have Jennifer run through what she thinks we have, and maybe we can take a motion and get this thing out of here. Let us see what we can come up with.

Jennifer Ruedy:

In some form section 2 would state, "If required by local ordinance a retailer or dealer shall, before selling, bartering, gifting, or trading, spay or neuter any cat." I was informed that gifting is not a word, so this may come back from the Legal Division with alternative language with the same intended meaning. We would leave sections 1 and 2 in and delete subsection 2 in both sections. You would leave section 3 in, and you would leave the date in subsection 3, paragraph (h)(1), the date that a veterinarian examined and sterilized. In section 3, subsection 1, you would leave that in there, but it would say, "A retailer or dealer shall, before selling, bartering, gifting, or trading, spay or neuter any dog if required by local ordinance." Or, we may change it and have it by local ordinance, starting off that phrase. That seems to be the preference, starting it off with, "if required by local ordinance." We would delete subsection 2 of section 3. We would keep subsection 3 of section 3, the exemption for dogs used in hunting and agriculture and other kinds of dogs. We would keep section 2, paragraph (h)(1), the date that a veterinarian examined and sterilized a cat. At the end of the bill, section 4 adds the language, "eight weeks of age and whichever is later." That would now read, "A retailer, dealer, or operator shall not separate a dog or cat from its mother until it is eight weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later."

Assemblyman Goicoechea:

That sounds good. Just to comment on leaving subsection 3 in section 3, I think that it puts it in state law no matter what a local ordinance does. Those particular animals that are used in hunting or connected with farming and agriculture are exempt. We established that protection in state law so the local ordinance can not take that away from us.

Chairman Claborn:

If we were going to do this, it would have to be with amendments.

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 15.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION PASSED. ASSEMBLYMAN GRADY VOTED NO.

Let me close the hearing on Assembly Bill 15.

We have another one. It is Assembly Bill 199.

Assembly Bill 199: Revises provisions relating to fights between animals.
(BDR 50-717)

Assemblyman Ohrenschall:

[Work session document ([Exhibit J](#)).] Your subcommittee was composed of Assemblymen Bobzien, Segerblom, and Goicoechea. We received some new information from Assemblywoman Gansert. *Nevada Revised Statutes* (NRS) 202.500 already discusses what is a dangerous or vicious dog. Paragraph 3 of NRS 202.500 says that a dog may not be found dangerous or vicious because of a defensive act against a person who is committing or attempting to commit a crime or who provoked the dog. That handled our concerns about the dogs that are kept for the protection of property. We recommended a do pass on Assembly Bill 199 without any amendments; it was unanimous.

Chairman Claborn:

I will entertain a motion.

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
ASSEMBLY BILL 199.

ASSEMBLYMAN GRADY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Ms. Gansert will handle her own bill. Mr. Manendo will handle A.B. 15.
This meeting is adjourned [at 3:03 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

Kyle McAfee
Transcribing Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: March 11, 2009

Time of Meeting: 1:39 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign in Sheet
A.B. 246	C	Assemblyman David P. Bobzien, Washoe County, District No. 24	Letter in support from the NRA.
A.B. 246	D	Assemblyman David P. Bobzien, Washoe County, District No. 24	Letter in support from the U.S. Sportsman's Alliance.
A.B. 246	E	Assemblyman David P. Bobzien, Washoe County, District No. 24	Letter in support from Families Afield.
A.B. 246	F	Assemblyman David P. Bobzien, Washoe County, District No. 24	Quick Facts brochure from the U.S. Fish & Wildlife Service
A.B. 246	G	Assemblyman David P. Bobzien, Washoe County, District No. 24	Proposed amendment to A.B. 246.
A.B. 246	H	Jeremy Drew, representing the Coalition for Nevada's Wildlife, Inc., Reno, Nevada	Written testimony in support.
A.B. 15	I	Jennifer Ruedy, Committee Policy Analyst	A.B. 15 work session document
A.B. 199	J	Jennifer Ruedy, Committee Policy Analyst	A.B. 199 work session document