

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

**Seventy-Fifth Session
March 9, 2009**

The Committee on Natural Resources, Agriculture, and Mining Subcommittee on Natural Resources, Agriculture, and Mining was called to order by Chair Joseph M. Hogan at 1:46 p.m. on Monday, March 9, 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).

SUBCOMMITTEE MEMBERS PRESENT:

Assemblyman Joseph M. Hogan, Chair
Assemblyman Paul Aizley
Assemblyman Pete Goicoechea

SUBCOMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Mark A. Manendo, Clark County Assembly District No. 18

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

None

Chair Hogan:

The Subcommittee will come to order. This Subcommittee was established to further consider Assembly Bill 15 which was heard by the full Committee on Monday, February 23rd. I will open the hearing on A.B. 15.

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

This bill requires that any sterilization requirements for dogs and cats, which may be required by local ordinances, be posted. The posting is required for licensed veterinarians at a location within their offices and by government entities with jurisdiction over any public park where dogs or cats are allowed.

The measure would also require a retailer or dealer who sells dogs or cats to disclose to buyers any sterilization requirements per local ordinance that may apply to the animal for sale. Failure to comply with the disclosure may result in an administrative fine not to exceed \$250 for the first offense, \$500 for the second, and \$1,000 for each subsequent violation.

Concerns were raised at the original hearing regarding the one amendment presented. At the hearing, former Assemblywoman and now Clark County Commissioner Chris Giunchigliani brought forth an amendment to the bill (Exhibit C). The provisions of the amendment are that no dog or cat may be sold, bartered, gifted, or traded before it has reached eight weeks of age. Before a retailer or dealer may sell, barter, gift, or trade a dog or cat over eight weeks of age, but not older than six months of age, the animal must be spayed or neutered. This provision includes the requirement to provide certain documentation to the purchaser. An unsterilized cat or dog may only be sold, bartered, gifted, or traded by any person, company, or corporation to a person who is the holder of a current Pet Fancier's Permit or Breeder's Permit, from a local government in Nevada.

Concerns were raised by Committee members that working dogs should be excluded. There were concerns that mandating sterilization by six months of age for both cats and dogs may not be appropriate for all breeds and sizes. Gifting unwanted cats or dogs under the proposed amendment would be costly and difficult for the person gifting the animals.

To get started on this, we would like to hear from the sponsor of the bill, to touch on the original intent of the bill and on the conversations he has had with Ms. Giunchigliani who offered the amendment.

Assemblyman Mark A. Manendo, Clark County Assembly District No. 18:

I brought this bill forward for a constituent, and since then we have been tinkering with several different amendments. I know there was some concern over several different areas of the legislation.

Someone mentioned that there was a concern over the language "gifted," and I want to talk about that. There are some pet stores that will give you a free kitten if you buy a 45-pound bag of food. They are "gifting" the animal in exchange for buying the food. In a lot of cases the kitten has had no care, no shots, or anything. The store knows they are not going to get much money out of it, so they entice the sale with the free animal and make the money from the food sale. That is where the "gifted" language comes from.

There were also some concerns that if someone had cats left at his door one day, he would not be able to gift them. If you happen to be a retailer, then you would fall under the jurisdiction of the bill, but a private person could gift an animal to anyone and would not fall under these guidelines. Our intent is not to penalize an average citizen who is just trying to give away some animals left at his doorstep.

We are reviewing the new amendment brought forward by Commissioner Giunchigliani.

Chair Hogan:

With respect to what you just said about "gifted," were you referring to the use of the word "gifted" in your initial bill or in the proposed amendment?

Assemblyman Manendo:

In the proposed amendment.

Assemblyman Goicoechea:

As I am walking through the bill, section 1, subsection 1, states "required by local ordinance," and again in subsection 2 "required by local ordinance." When we get to section 2, subsection 1, the amendment says, "A retailer or dealer shall [sic], before selling, bartering, gifting, or trading, must spay or neuter any cat not later than 6 months of age." If we just inserted there, "if required by local ordinance" the same way as it is through the rest of the bill, does that get us there?

Assemblyman Manendo:

I understand where you are coming from, and I do not know if it gets us where we want to go with this legislation. We talked about doing a population cap on this bill because I know you have some concerns.

Assemblyman Goicoechea:

How do we clean up section 2, subsection 2, which pertains to cats, and section 3, subsection 2, which pertains to dogs, so we are not capturing a person who is not a dealer, but gets an animal that is either dropped off or brought home by a child?

Gifting here should not be a crime because, if it were, we would be fining most of the people in rural Nevada at some time or another. How do we clean up where it says "by any person, company, or corporation," because the second part of the language will not work for me because it would require one to have a Pet Cat Fancier's or Breeder's Permit from a local government before one could accept an unspayed animal. In northern Nevada I do not believe there are any such permits issued, even by Washoe County. I know in the rural counties that I represent, you would not be able to get one.

I can live with the bill if you are going to make the puppy mills spay and neuter. Ms. Giunchigliani and the testimony provided have addressed the six-month issue. What we heard from the veterinarians clarified that cats mature a little faster than dogs, so we need some discretion for the attending veterinarian. The veterinarians will take care of it because it is part of their practice. I am struggling because the way it reads right now, the animals cannot "be sold, bartered, gifted, or traded by any person," and that tells me that I cannot give a cat away unless I spay it, because I am a natural person.

If it included the language "if required by local ordinance" I would have no problem because all of the rest of the bill says that state law is reinforcing local ordinances, but I do have a problem that we are taking these two sections and actually imposing a state law in a place where there is no local ordinance.

Chair Hogan:

Let me ask the Committee members a preliminary question before we get too deep into the amendment. There was only one observation made by Assemblyman Carpenter, that in his area, there were no or few pet shops or other places where this posting requirement might be implemented. My feeling was that is probably true, but I did not see that as an objection to further consideration of the bill.

Assemblyman Goicoechea:

I think that Assemblyman Carpenter was correct when he said there are very few retailers, dealers, or dog parks in his area. There are dog breeders in Elko County who breed good quality cow dogs, and I would bet that they do not have a breeder's permit. They are selling those animals by advertising in the local paper, so they are not truly a retailer or dealer, but are dealing in dogs.

Assemblyman Aizley:

I do not know that I picked up so much on the requirement of posting as on the early spaying and neutering of the animals. I thought that was a major objection, and I have since received emails that say, like the amendment, by six months is reasonable, but before that is not. That was my objection to the original bill, but it looks like it has been resolved in the amendment.

I do not have a concern about the posting.

Assemblyman Goicoechea:

Also, if there is no ordinance to post, it is pretty hard to post it. Typically, I would say probably 15 of the 17 counties do not have an ordinance to post.

Assemblyman Manendo:

If they do not have an ordinance, then they would not have to post anything.

In section 3, subsection 1, line 21, I am reading that a retailer, not an individual, but "A *retailer* shall before selling, bartering, gifting or trading a dog spay or neuter any dog not later than 6 months of age [emphasis added]."

Assemblyman Goicoechea:

I agree with you there, but when we move to section 3, subsection 2, which is completely different, it says that "an unsterilized dog is exempt." Is that only exempt as it pertains to the retailer? We do not really clarify that it does exempt John Q. Public.

Assemblyman Manendo:

I understand. That may be where we need a little clarification.

Assemblyman Goicoechea:

As long as he is exempted, my only real concern is that the person you are giving the animal to would be required to have a Dog Fancier's Permit or Breeder's Permit to accept it. It is a little vague.

Assemblyman Manendo:

That is not our intent.

Assemblyman Goicoechea:

I would like to have that cleaned up and the qualifying statement of "as required by local ordinance" in there to comply. I know that a retailer is defined in the bill, but do you become a retailer if you are selling pups that you bred from your female? So, do you become a retailer if you ask for money compensation for the animals? We see a lot of that in rural Nevada.

Assemblyman Manendo:

I am not sure what the definition would be, but we need to delineate between whether you have a business on Paradise Road in Las Vegas, as opposed to someone's house.

Assemblyman Goicoechea:

And someone selling one litter a year.

Assemblyman Manendo:

I still think they have to have some type of permit to do that.

Assemblyman Goicoechea:

I think they probably do in Clark County, but in the rest of the state, if you have a female having one or two litters a year, you probably do not have, nor need, a business license.

Assemblyman Manendo:

They probably have a permit or should have a permit depending on local government.

Assemblyman Goicoechea:

I guess that is the point I am trying to make. Typically local government in the rural counties would not have that in place.

Chair Hogan:

I am in accord with Assemblyman Goicoechea's suggestion that we find a way to limit these requirements regarding spaying and neutering to those jurisdictions which have enacted local ordinances. The posting would be of that ordinance, if it exists, and there would be no posting requirement if it does not.

The thing that I am trying to get straight in my mind now is, can we also allow activating the other restrictions only if there is a local ordinance first? The problem there is, if we get into the detail of exactly how many months of age the animal must be, it would be happenstance if the age corresponded exactly with whatever each local ordinance says. Once we reach that level of detail, then we are dictating and may be overruling prior decisions of local jurisdictions,

which I do not think we have the expertise to do. I think that is a little beyond our qualifications without a whole lot of additional evidence.

I know in the materials we have received there are differing opinions among licensed veterinarians about what age neutering and spaying can begin. Some think that spaying and neutering can be very harmful if it is done too early or at the wrong time. I do not think we want to pass a requirement that would cause retailers, particularly, to spay and neuter too early because of a date that we have set. If it is their business practice to sell cats and dogs between the age of six and eight weeks, perhaps when a puppy is at its most appealing, and we set a date of six months, we have readjusted their business plan. We have done that without precise knowledge of why we should wait that long, in all cases, with all breeds.

What I was looking for was a conclusion that we could restrict the implementation of the new state law to those localities where a local ordinance had been appropriately passed and enacted, in order to supplement that effort with a requirement for posting. I think this is a proper way for the state to get involved without dictating. I do not know if there is a middle course that could state all of the requirements regarding the timing of spaying and neutering and would also be limited to those jurisdictions that have passed an ordinance.

Jennifer Ruedy, Committee Policy Analyst:

The retailer is defined in *Nevada Revised Statutes* (NRS) Chapter 574.320: "'Retailer' means a person who acquires pets for resale." That is different from the dealer, who is defined in NRS 574.260: "'Dealer' means a person who, for compensation or profit, buys, sells, breeds, trades or imports cats or dogs for resale."

Assemblyman Aizley:

When you say you leave it up to local ordinance, North Las Vegas has their ordinances. If you pass a county level ordinance, what do you do with the North Las Vegas ordinances? Are they exempt because they are local?

Assemblyman Goicoechea:

Yes, I would believe that whatever ordinances North Las Vegas has in place, this law would just reinforce them. I am assuming it works the same way for city versus county, as it does with the county versus the state. It can be more stringent but it cannot be more lenient.

Assemblyman Aizley:

The ordinance in North Las Vegas is worded quite differently, and I am sure it will conflict if you look at it closely enough.

Assemblyman Goicoechea:

I have not looked at their ordinances, but what we are saying is "if required by local ordinance," and each jurisdiction would maintain its own autonomy. Does North Las Vegas not require spay and neuter? Do you know Assemblyman Manendo?

Assemblyman Manendo:

No one has spoken to me about this, not from Clark County, Las Vegas, or North Las Vegas.

Chair Hogan:

We might want to let Legal Counsel advise us if there are significant differences between the future Clark County ordinance and the current North Las Vegas ordinance. The impression of Assemblyman Goicoechea and me is that the county ordinance would supersede the local, but this is subject to review by Counsel. If they uphold it as the case, then it would not present the problem Assemblyman Aizley was concerned about.

Assemblyman Goicoechea:

All of the posting language submitted in the original bill is in place. What we are talking about are retailers, whether they are dog or cat retailers. They would have to spay or neuter an animal if it was required by local ordinance. Under sections 2 and 3, subsection 2, where the amendment lists who is exempt under Nevada law, persons who had Fancier's Permits or Breeder's Permits would also be exempt in the same manner as owners of a hunting dog, a dog used in agriculture, or one drawing a heavy load. We have to be careful what we do here because we are precluding what a local ordinance can do.

Jennifer Ruedy:

I had a question as to what Assemblyman Goicoechea just said. Consider the language: "A retailer or dealer shall, before selling, bartering, gifting or trading..." right now, that language, for both dogs and cats, on one of the amendments applies to any cat or dog "not later than six months of age." Are we now completely taking age out and just saying "if required by local ordinance?"

Assemblyman Goicoechea:

I really do not have a feel for that, one way or the other. I agree that six months is probably very appropriate, but again, the only way they would be required to do it, at any age, would be if it was required by local ordinance.

Now we get into another scenario, and I recognize that it is completely different, and that is the rescue services. Most of those places require spaying or neutering before you can adopt. We do not want to conflict with that in any way either.

Chair Hogan:

Is there anyone who can help us with these questions?

Assemblyman Goicoechea:

I would like to get the language a little more palatable. We have to be very careful that we do not create state law that would, in fact, preclude local ordinances. What we are saying is that you shall spay or neuter, if you are a dealer or retailer, if local ordinance requires it.

Chair Hogan:

It occurs to me that if we were tempted to take out the "six months of age," the requirement would be long and continuing without, perhaps, regard to the animal. Also, the local ordinance does not happen to have a cap on age, we might be creating a requirement that would live as long as the animal, and that is not our intention either.

Assemblyman Goicoechea:

The other thing that Assemblyman Aizley suggested is that we do not want to put something in here that would allow a retailer or dealer to starting spaying and neutering at eight weeks just because it was convenient for them. The bill does allow it because it says that it has to be done by six months. A good veterinarian would not do it, but if you were running a puppy mill and had a vet who would, you might do these procedures before it was safe. I am not saying there are vets like that out there, but it could be an issue.

I remember the vet who testified from Las Vegas stating that older dogs are sometimes difficult too. I know with rescue groups, no matter what age, the organization will spay and neuter.

I could live with the language that leaves it up to the local ordinance. We are putting a little bite in it, but we are leaving it to local ordinance.

Chair Hogan:

And you are comfortable with leaving the six months as an outside limit?

Assemblyman Goicoechea:

Well, I am not really comfortable with it because that is the top age and it does not preclude someone from doing it too soon. I guess we will have to depend on the veterinarians.

Chair Hogan:

If the local ordinance prescribes a minimum age, by our reference to that, it would be effective because the local ordinance would say so. That may be a reason for any jurisdiction which is going to adopt such an ordinance to recognize that they need to provide what is their best effort.

It does not seem like we are harming anything. The fact that we do not prescribe a minimum age does not make anything worse. It should not be objected to by anyone, especially given the uncertainty of how various veterinarians feel about a lower limit and the fact that lower limits are dependent on breed and weight. I am also getting comfortable with the idea of tying this bill to the local ordinance and leaving in the six months of age as the upper limit and not attempting to impose a lower limit, but rather leaving that to the local ordinance writers.

Assemblyman Aizley:

At what age are dogs usually sold?

Assemblyman Goicoechea:

This bill would require that they could not be sold before eight weeks, because NRS 574.500 is also in this bill, which requires that animals not be separated from their mothers until eight weeks of age.

Assemblyman Aizley:

That is a lot younger than six months. The amendment says, "A retailer shall, before selling, bartering, gifting or trading ... spay or neuter any dog not later than 6 months of age."

Assemblyman Goicoechea:

Clearly, the seller would have to make arrangements with the purchaser to pay for that spay or neuter at the time of purchase. That is a real issue because everyone wants the puppy or kitten when it is little and cute, but by six months, they are a little harder to move. The dealer needs to have the ability to sell the animal, but at some point there will have to be the requirement that the animal is spayed or neutered before it reaches six months.

Assemblyman Aizley:

And the bill says it is required of the retailer, so the retailer sells the puppy at eight weeks, and people take it home and then turn it back into the retailer for spaying or neutering?

Assemblyman Goicoechea:

There would have to be some type of requirement like that because I do not know how we could get that guarantee from the retailer and/or the purchaser that he is going to bring the animal back. It is a really difficult scenario to enforce.

Chair Hogan:

One of our options is to make a separate decision regarding this final provision about NRS 574.500, whether we want to include it in the final bill, or whether it introduces some additional problems. It seems to me that if puppies can be sold earlier than six months, and I expect that most business models anticipate that, unless we are prepared to say it is a harmful thing, we would be allowing it here. We could always let the local ordinance take precedence.

Assemblyman Goicoechea:

Was the eight weeks also part of your original bill? It is in the last section of the mock-up.

Assemblyman Manendo:

I cannot remember if it is in the original bill.

Assemblyman Goicoechea:

It looks like new language.

Assemblyman Manendo:

It is part of the amendment.

Assemblyman Goicoechea:

So the real problem is that most people who sell puppies or kittens sell them at six to eight weeks. If we require they be neutered by six months, how can we make sure that happens?

Assemblyman Manendo:

Just as an example, what if a pet store gave a certificate for the spay or neuter as part of the price of the animal? This is just an idea, and that would entice someone to take care of it because they have the certificate to do so, maybe even with the vet that the pet store uses. We could put that in the bill.

Assemblyman Goicoechea:

I agree that it would be part of the purchase price to cover the spay or neuter of that particular animal.

Assemblyman Manendo:

That would alleviate the need to mandate it be done before the animal leaves.

Assemblyman Goicoechea:

Stores cannot afford to keep animals until they are six months old. The bonding period, even for a cow dog, is between two months and six months.

Chair Hogan:

In order to prevent ourselves from continuing to get in deeper, we might try to refine the questions we need to decide. We need to review and possibly vote on each one. We have had two suggestions regarding the amendment in addition to the decision on the original bill. The one question we had earlier concerns the matter of NRS 574.500, at the end of the amendment, which introduces the idea of forbidding the separation of a dog from its mother, or its sale, before eight weeks of age. That might be very objectionable for people whose business plan is to sell by the end of six weeks. Our options are to leave that in, or if not, leave it to local ordinance. I would entertain a motion to state, either in the affirmative or negative, how we should address NRS 574.500.

Assemblyman Goicoechea:

Is it an issue with some of the puppy mills that they wean pups too early in age? It would clearly affect the ability of that animal to survive if they were weaned earlier than six weeks of age, so I do not know if that language is really necessary.

Assemblyman Manendo:

My understanding is that it is an issue, which is why this language was put in, so there is some cushion before they are taken from their mothers.

Assemblyman Goicoechea:

If that is the case and it can be documented, I know that people will wean even working puppies at six weeks. If we can soften the language to six weeks, I think that is reasonable.

Assemblyman Manendo:

Are you not comfortable with eight weeks?

Assemblyman Goicoechea:

I am comfortable with any of it because it is not an issue to me. Typically, the person is not going to move the animal until it is ready. I would make a motion to leave in the language.

Chair Hogan:

So, we have a motion before us to leave in the final provision in the amendment, which is NRS 574.500, which forbids separating a dog or cat from its mother until eight weeks of age.

ASSEMBLYMAN GOICOECHEA MOVED TO ADOPT THE LAST PROVISION IN THE FIRST AMENDMENT TO ASSEMBLY BILL 15.

ASSEMBLYMAN AIZLEY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We have adopted that motion, and we will include that provision in the product we recommend back to the full committee.

The second items we need to vote on are the two provisions, both of which begin with "A retailer, ... shall," one with respect to cats and the other with respect to dogs. The suggestion that seemed acceptable was to insert language limiting its application to those cases where a local ordinance is in force. This way we are not creating new requirements, but rather tying into the existing ordinance. Where are we putting that?

Assemblyman Goicoechea:

I think in section 3, subsection 1, where it says "a retailer," we need to add "or a dealer, shall before selling, bartering, gifting, or trading a dog"

Jennifer Ruedy:

We will keep the six months of age?

Assemblyman Goicoechea:

I think that was the intent of the amendment. That would be the uppermost limit set by state law, but county ordinance could be, say, three. We just have to be aware that the county or local municipalities cannot be more lenient. Maybe we should leave age out and let local ordinances address it. Otherwise it would be in state law that the animal has to be spayed or neutered by six months.

Chair Hogan:

So, you are saying that on line 21 in section 3, after "dog" it would go straight to "if required by local ordinance"?

Assemblyman Goicoechea:

I think that would be the cleanest way to do it.

Chair Hogan:

I agree.

Jennifer Ruedy:

The North Las Vegas ordinance, section 6.16.020, has an exception to their spay and neuter requirement, which states: "A. The spay/neuter requirement set forth in section 6.16.010 shall not apply if a licensed veterinarian certifies in writing and under oath that a specific dog or cat is medically unfit to undergo the required spay or neuter procedure because of a physical condition that would be substantially aggravated by such procedure or would likely cause the animal's death." So there is an exception in that local ordinance. We could just leave in subsection 1, "A retailer shall, before selling, bartering, gifting, or trading a dog, spay or neuter any dog"—if required by local ordinance?

Chair Hogan:

That would preserve the exception in the local law. We would not be interfering with their legislation.

ASSEMBLYMAN GOICOECHEA MOVED TO ADOPT THE
PHRASE "IF REQUIRED BY LOCAL ORDINANCE."

ASSEMBLYMAN AIZLEY SECONDED THE MOTION.

It has been moved and seconded that we adopt, as we have modified, these two provisions for the cat and the dog. Is there any discussion?

Assemblyman Aizley:

It still seems to lead to early spaying and neutering which might be harmful to the animals. I do not see how it would protect them against it.

Assemblyman Goicoechea:

Again, there would not be any spay or neutering unless the local ordinance put it in place, and we would hope that the local ordinance would address that. As Ms. Ruedy read in that section of the North Las Vegas code, it says that the veterinarian has complete jurisdiction to make that call.

It would be up to Clark County to bring forth a similar ordinance before this portion of state law would come into being, and I would hope they would pattern it similarly to the ordinance of the City of North Las Vegas.

Chair Hogan:

THE MOTION PASSED.

The third decision we have to make is a vote on the initial submission by Assemblyman Manendo. He gave us a nice, simple bill.

Assemblyman Goicoechea:

Is subsection 2 on who is exempt deleted then from section 3? I think we can do away with it because it is set by local ordinance. Assemblyman Bobzien and I talked about the exceptions for hunting and breeding dogs as well as those used to handle livestock and service animals. Maybe we would be better off if we leave it in and state that our legislative intent is to make sure that those animals will always be exempt, even from local ordinance. That way the state law says that no matter what the local ordinance does, they could never put hunting, breeding, or working dogs, or service animals, in a local ordinance that required spaying or neutering.

Assemblyman Aizley:

We are kind of discussing this blindly because we do not know about local ordinances in general. North Las Vegas might have the only one.

Assemblyman Goicoechea:

You are right. It might be the only one that comes to pass, and I have not looked at the ordinance closely enough to see if it does exempt working or service animals. We could put it in state law until the law was changed.

Assemblyman Aizley:

If the local ordinance does not exempt them then the vet can write a certificate that would.

Chair Hogan:

We can interpret our previous conversation to have approved the language of this amendment, it only being modified by adding the words "or dealer" in section 3, subsection 1, and "if required by local ordinance," and leaving in the next paragraph.

Assemblyman Goicoechea:

I would prefer to delete "an unsterilized dog is exempt" [subsection 2], and then under subsection 4, state which dogs are exempt and add "or any dog for which a person is a holder of a current Pet Fancier's or Breeder's Permit."

Chair Hogan:

So you are proposing that the full language following subsection 2 be lifted and made into subparagraph (f) under subsection 4?

Assemblyman Goicoechea:

Yes, because we have breeding animals in there, and the Pet Fancier's Permit would be one of the exemptions from spaying or neutering. That then should fall back to local code. We want to make sure that we are putting in state statute that these dogs are exempt, no matter the local ordinance.

Chair Hogan:

That provision is somewhat different in section 2, the "cat side" of the page. It introduces very similar language regarding the permit, which we think is only available in one or very few locations. It does not further tie into exemptions for hunting or farming cats, et cetera. I think that leaves us all right.

Assemblyman Goicoechea:

Technically, as you look at the language, it probably is not doing any damage. Any unsterilized cat or dog is exempt because of the Pet Fancier's or Breeder's Permit, and then it also leaves in there that hunting, working, and other dogs are exempt. So we can leave that in there. Again, a local ordinance would be in place, and state law could never force one to sterilize a dog as long as the owner were a breeder or pet fancier, or it was a hunting or working dog, et cetera.

Chair Hogan:

I think that would be all right.

Assemblyman Manendo:

Let us say that I am a retailer, and we say that retailers shall not sell, barter, gift, or trade a dog, spay or neuter any dogs, no later than six months of age...

Assemblyman Goicoechea:

The six months is gone.

Assemblyman Manendo:

Going back to that language on giving a certificate: if I am going to sell a dog, as a retailer, I would either have to have that dog spayed or neutered before I

sell, or give a certificate which is included in the purchase price, or I could sell it without spaying or neutering to someone who has a permit. I was trying to bring those three things together because there is a problem, which is why we are here. I was trying to see if there was a way to get the language to state that the law would not apply to anyone except retailers.

Chair Hogan:

Well, as it reads, the section we were adjusting addresses only a retailer or dealer. An individual who is trying to deal with a cat or dog dropped on his doorstep is not affected by this. Having limited this to retailer or dealer, we have avoided the problems of regulating the behavior of individuals.

Assemblyman Goicoechea:

The local ordinance could address that. We are not going to put it in state statute, so local ordinance will have a ton of flexibility. The local jurisdiction could then say "in lieu of a spay or neuter on an underage animal, we want you [the retailer] to give them a certificate which allows for it." We do not want to put something in state law that would be too cumbersome or too tight for local jurisdictions.

Assemblyman Manendo:

So, Assemblyman Goicoechea, do you think if it were in state law, it would be too tight for your counties?

Assemblyman Goicoechea:

Compliance would be difficult in the rurals. I see the same problem you do, everyone wants to buy that pup at eight weeks, no one will want him at six months, and who will do the operation, and who will pay for it? I think that is something that will have to be addressed when the local ordinance is put in place.

Chair Hogan:

We are going to have to stay with the provision as we voted. We need to move on to the original bill. The substantive comment by Assemblyman Carpenter, which we have covered briefly, was that there are, in fact, few businesses engaged in retail sales of dogs or cats and not too many veterinarian offices in rural areas, so there would not be too many places to post a notice. We can agree with that observation, but I do not believe it points to any particular change in the language that has been proposed.

I would entertain a motion to approve the language of the original bill as submitted.

Assemblyman Aizley:

You are saying to approve the whole of A.B. 15 or for one section?

Chair Hogan:

The entire original bill.

Assemblyman Aizley:

So, the motion is to retain all of the original wording in the original Assembly Bill 15?

Chair Hogan:

Yes, that is correct.

ASSEMBLYMAN AIZLEY MOVED TO RECOMMEND ASSEMBLY BILL 15 AS STATED.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

Jennifer Ruedy:

I understand that we are going to accept all the language from the bill as originally introduced; and the language in the amendment in NRS 574.500, the eight weeks of age; and in section 2 and section 3, subsection 1, we are going to change that language to "a retailer or dealer shall before selling, bartering, gifting, or trading a dog (or cat) spay or neuter any dog (or cat,)" delete "not later than six months of age," and adding "if required by local ordinance."

The posting requirement line in section 1 of the amendment states, "A local government may add additional areas for posting if requested by a resident during a public hearing." Did the Subcommittee decide it was not necessary?

Assemblyman Goicoechea:

I do not have a problem with that, because it, again, is established by the local government at a public hearing. I am fine with it.

Jennifer Ruedy:

The last thing I am not sure about is in sections 2 and 3, subsection 2, "An unsterilized dog [or cat] is exempt from this provision and may be sold, bartered, gifted or traded by any person, company, or corporation...." Is that subsection in section 3, about dogs, going to become subparagraph (f) to subsection 4?

Assemblyman Goicoechea:

We could either do that or leave it in subsection 2. I do not have a problem that if one is the holder of proper permits, one should not have to comply with spay or neuter regulations. There is no subsection 3, so when renumbered it would be section 3, then subsections 1, 2, and 3. Subsection 3 would actually be the exception for hunting, farming, and so on. How would you prefer?

I just think it offers a little more latitude for those that have the proper licensing.

Jennifer Ruedy:

So we are not adding anything?

Assemblyman Goicoechea:

Yes, the way I look at it, unless you think we are missing something, it looks like it is just another exemption.

Chair Hogan:

Is there any further discussion?

Assemblyman Manendo:

What was that last part in section 3? I understand you want to take out "not later than 6 months" and put in "if required by local ordinance," and then what for subsection 2?

Assemblyman Goicoechea:

It would stay in place. It is just another exemption as long as one is properly licensed.

THE MOTION PASSED.

Chair Hogan:

I would entertain a motion to recommend to the full Committee the marked-up version of the bill as it will be finalized.

THE MOTION WAS ADOPTED BY UNANIMOUS CONSENT.

The meeting of the Subcommittee is adjourned [at 3:03 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

Emilie Reafs
Transcribing Secretary

APPROVED BY:

Assemblyman Joseph M. Hogan, Chair

DATE: _____

EXHIBITS

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

Date: March 9, 2009

Time of Meeting: 1:46 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 15	C	Chris Giunchigliani	Amendment mock-up