

Amendment No. 683

Assembly Amendment to Senate Bill No. 309

(BDR 50-703)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

CAF/JRS



Date: 5/22/2011

S.B. No. 309—Authorizes a person to remove from his or her property an animal for which he or she has, by contract, provided care and shelter under certain circumstances. (BDR 50-703)



SENATE BILL NO. 309—SENATOR SETTELMAYER

MARCH 21, 2011

Referred to Committee on Natural Resources

SUMMARY—Authorizes a person to remove from his or her property ~~{an animal}~~ livestock for which he or she has, by contract, provided care and shelter under certain circumstances. (BDR 50-703)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to ~~{animals}~~ livestock; authorizing a person to remove from his or her property ~~{an animal}~~ livestock for which he or she has, by contract, provided care and shelter under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the care of and prevention of cruelty to animals. (NRS 574.050-574.510) This bill provides that: (1) if a person enters into a contract to provide care and shelter for ~~{an animal}~~ livestock; (2) the person gives 30 days' notice of the termination of the contract and requests the removal of the ~~{animal}~~ livestock from his or her property at the end of the contract; and (3) the owner fails to remove the ~~{animal}~~ livestock from the person's property at the end of that contract, the person providing care and shelter may remove the ~~{animal}~~ livestock from his or her property in several ways. However, before the person may remove the ~~{animal}~~ livestock, he or she must provide written notification to the owner by certified mail of his or her intention to remove the ~~{animal}~~ livestock if the owner fails to remove the ~~{animal}~~ livestock from the person's property. If the owner fails to remove the ~~{animal}~~ livestock by the time provided for in the notice, the ~~{animal}~~ livestock will be deemed abandoned, and the person may: (1) sell the ~~{animal}~~ livestock; (2) give the ~~{animal}~~ livestock to a society for the prevention of cruelty to animals; (3) return the ~~{animal}~~ livestock to the owner; (4) transfer the ~~{animal}~~ livestock to another facility that is willing to provide care and shelter for the ~~{animal}~~ livestock; or (5) bring an action in court to require the owner to remove the ~~{animal}~~ livestock from the person's property. The owner of the ~~{animal}~~ livestock is liable for any reasonable and actual costs incurred by the person in removing the ~~{animal}~~ livestock from his or her property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 575 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who enters into a contract with an owner of ~~{an animal}~~ livestock to provide care or shelter for the ~~{animal}~~ livestock on the person's

property shall give the owner of the ~~{animal}~~ livestock at least 30 days' notice before terminating the contract.

2. After receiving the notice, if the owner of the ~~{animal}~~ livestock fails to remove the ~~{animal}~~ livestock from the property before the termination of the contract, the ~~{animal}~~ livestock shall be deemed abandoned and the person providing care or shelter for the ~~{animal}~~ livestock may remove the ~~{animal}~~ livestock from his or her property as provided in subsection 3 if:

(a) The person notifies the owner of the ~~{animal}~~ livestock in writing of the person's intention to remove the ~~{animal}~~ livestock from the property if the owner fails to remove ~~it~~ the livestock before the date the contract is terminated; and

(b) Fourteen days have elapsed since the notice was mailed to the owner of the ~~{animal}~~ livestock. The notice must be mailed, by certified mail, return receipt requested, to the owner of the ~~{animal}~~ livestock at the owner's present address, and if that address is unknown, then at the owner's last known address.

3. If ~~{an animal}~~ any livestock is deemed abandoned pursuant to subsection 2, a person providing care or shelter for ~~{an animal}~~ that livestock may:

(a) Sell the ~~{animal}~~ livestock;

(b) Give the ~~{animal}~~ livestock to a society for the prevention of cruelty to animals;

(c) Return the ~~{animal}~~ livestock to the owner at the owner's present address;

(d) Transfer the ~~{animal}~~ livestock to another facility which is able to provide care and shelter for the ~~{animal}~~ livestock; or

(e) Bring a civil action in a court of competent jurisdiction to require the owner to remove the ~~{animal}~~ livestock from the person's property.

4. If the owner of the ~~{animal}~~ livestock fails to remove the ~~{animal}~~ livestock pursuant to subsection 2, the person providing care and shelter for the ~~{animal}~~ livestock may charge and collect any reasonable and actual costs he or she incurs in removing the ~~{animal}~~ livestock pursuant to subsection 3.

5. ~~{The}~~ Except as otherwise provided in subsection 6, the provisions of this section may be varied by agreement, and the rights conferred by this section may be waived.

6. The remedies provided for in this section are the exclusive remedies for an action brought pursuant to this section. If a person pursues a remedy not provided for in this section including, without limitation, a civil action for breach of contract or trespass, the provisions of this section do not apply, and the remedies provided for in this section are not available.

7. As used in this section, "livestock" means:

(a) All cattle or animals of the bovine species;

(b) All horses, mules, burros and asses or animals of the equine species;

(c) All swine or animals of the porcine species;

(d) All goats or animals of the caprine species; and

(e) All sheep or animals of the ovine species.