

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

**Seventy-Sixth Session
May 12, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 2:33 p.m. on Thursday, May 12, 2011, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/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:

Assemblywoman Maggie Carlton, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblyman David P. Bobzien
Assemblywoman Irene Bustamante Adams
Assemblyman Ed A. Goedhart
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce

COMMITTEE MEMBERS ABSENT:

Assemblyman John Ellison (excused)

GUEST LEGISLATORS PRESENT:

Senator Mark A. Manendo, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Judith Coolbaugh, Committee Secretary
Linda Whimble, Committee Assistant

OTHERS PRESENT:

Beverlee McGrath, representing the American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Action for Animals; Political Animal Welfare Political Action Committee; Nevada Political Action for Animals; Nevada Humane Society; Animal Switchboard; and Nevada Voters for Animals
Stacia Newman, representing the Nevada Political Action for Animals; Compassion Charity of America
Karen Grogan, Private Citizen, Golden Valley, Arizona
Clarissa Engstrom, D.V.M., Private Citizen, Blue Diamond, Nevada
Ardelle Bellman, representing Foreclosed Upon Pets, Incorporated
Karen Kennedy, representing Foreclosed Upon Pets, Incorporated
Tami Simon, Coordinator, Best Friends Animal Society
Karen Layne, D.V.M., President, Las Vegas Valley Humane Society
Bridget McGrath, representing the Tahoe Pet Network; and Wylie Animal Rescue Fund
Barbara Kubichka, Private Citizen, Carson City, Nevada
James Smack, Private Citizen, Fallon, Nevada
Tony Yarbrough, representing the Nevada's People for Animal Welfare
Chris Vaught, Private Citizen, Carson City, Nevada

Chair Carlton:

[There was no roll call.] The hearing on Senate Bill 299 (1st Reprint) is now open. Senator Manendo will present the bill.

Senate Bill 299 (1st Reprint): Revises provisions relating to the care of animals.
(BDR 50-388)

Senator Mark A. Manendo, Clark County Senatorial District No. 7:

I would like to read a letter ([Exhibit C](#)) into the record.

Chair Carlton:

Is this the letter from yourself and Mr. Byerman?

Senator Manendo:

It is from Senator Roberson and me, but I believe it is on Mr. Byerman's letterhead.

Chair Carlton:

And this addresses the amendment?

Senator Manendo:

Correct. This letter addresses the amendment . . .

Chair Carlton:

And will help clarify some of the confusion which happened in the Senate.

Senator Manendo:

Correct.

Chair Carlton:

Go ahead and put the letter on the record. We also have Senator Elizabeth Halseth's letter ([Exhibit D](#)) as part of the record.

Senator Manendo:

I did not see her letter, but I am glad she issued it. I will not read Senator Halseth's because I do not have a copy of it. [Senator Manendo read ([Exhibit C](#)) into the record. He also included a copy of Proposed Amendment No. 6706 ([Exhibit E](#)).]

I know there has been a lot of confusion on the bill. For the record, I want to make sure the public knows the legislative intent of this bill is to exclude hobby breeders from the bill's provisions. This legislation applies to commercial establishments engaged in the business of breeding dogs or cats for sale or trade. That is a very important point because we are getting phone calls and emails about who is targeted in this bill and who will be affected by it. People need to know this bill does not apply to the mom-and-pop breeder. The bill only applies to businesses. I would like Ms. McGrath to walk us through the bill.

Chair Carlton:

We appreciate your reading of the letter into the record. If anything, the process always has to be protected, and problems—like the confusion on this bill—develop as a hazard of the 120-day session. We try to catch everything we can. I caught an error in a bill yesterday, which had already made it to the Senate. We do not want to have something on the record that is not accurate. Hopefully, this is a no harm, no foul situation. We caught the mistake in time.

Senator Manendo:

For the record, I think it is a no harm, no foul situation also. The Senators who cast a "yes" vote had good intentions, but this letter corrects any question about their intent.

Chair Carlton:

If the Senators need a note for a constituent, I would be happy to write them a note.

Beverlee McGrath, representing the American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Action for Animals; Political Animal Welfare Political Action Committee; Nevada Political Action for Animals; Nevada Humane Society; Animal Switchboard; and Nevada Voters for Animals:

All the organizations I represent are in support of this bill. This bill establishes a permit or license system, and it sets humane standards for commercial animal breeders to follow. It is mirrored exactly after a Clark County ordinance, which is currently in effect. The only exception is the fee provision, which has been deleted. Currently, there are no license requirements in the state and no regular inspections of dog breeding facilities. This bill will correct that problem and establish a permit system.

Breeders who have been forced out of other states because they were irresponsible breeders are coming to Nevada because it is wide-open. There are no regulations, standards, or inspections. Our state is a haven for people who choose to operate under the wire. In Elko County, two puppy mills were closed at a huge expense to the county. [See [\(Exhibit F\)](#) a report entitled: *Puppy Mill Closure: The Economic Impact on a Local Community*.] The animal control officer said, and I quote, "People move and set up a puppy mill because there are no permit or license requirements." Many animal control officers would like to see this bill passed, and the passage of this bill will prevent the puppy mill owners and operators from relocating their operations to Nevada. The cost to close a puppy mill will be addressed by another witness, but it is extremely expensive. In Nevada, animal shelters operate at full capacity. Another witness will testify about the animal shelters.

There is confusion about who will and who will not be impacted by this bill. An opposition statement says, "A citizen has a right to privacy." This bill does not affect citizens. It affects commercial large-scale breeding establishments. We are talking about business operators who have a business license, or should have one, that fall into the commercial category. The bill speaks about hobby kennel environments, and it does not address the hobby breeders, the backyard breeders, or the responsible breeders.

If a county or a city chooses to charge a permit fee, the amount will cover the inspection costs. The amount is variable. In Clark County, the cost to drive around and inspect breeder facilities is different than the amount necessary in Washoe County, which covers a much larger area. Washoe County goes all the way to the Oregon border.

We are going to show a video of a puppy mill ([Exhibit G](#)) currently in operation in the Amargosa Valley. Stacia Newman in Las Vegas will be talking about the puppy mill. However, I would like to state I was directly involved in speaking to the witnesses. The witnesses include four former employees, a neighbor, several rescue groups, a current employee, and an undercover agent that I hired. They are responsible for the information you will see on this video. [Ms. McGrath also submitted the following exhibits: Facts About Cage Stacking ([Exhibit H](#)), Fact Sheet on Problems with Grid Flooring in Dog Kennels ([Exhibit I](#)), Microchips Fact Sheet ([Exhibit J](#)), Statement Called Stop Puppy Mill Abuse ([Exhibit K](#)), Fact Sheet on Puppy Mill Breeder Facilities ([Exhibit L](#)), Fact Sheet on What is a Puppy Mill? [([Exhibit M](#)), and a Statement on Language from Clark County's Title 10 Ordinance ([Exhibit N](#)).]

**Stacia Newman, representing the Nevada Political Action for Animals;
and Compassion Charity of America:**

This bill will help regulate commercial breeding facilities commonly known as "puppy mills." It would require commonsense guidelines for the care of the animals housed at a commercial facility. A typical puppy mill is located in a remote, unregulated area concealed from the public's eye. Currently, there is a commercial breeding facility under investigation in the Amargosa Valley. I personally went to the location to confirm what the customers were saying and to verify the reports we were receiving about the facility. The conditions were so filthy I could smell the place from the street. It was totally overwhelming. I also had another person with me. The odor of ammonia and feces was so bad we actually had to cover our noses.

Many of the puppy mills have a new method for meeting their potential customers. They do not invite the customers to the facility, which is why so many of these puppy mills go undiscovered. Instead, the puppy mill owners make an appointment with the customer at another location. For example, the meeting could be set up at a street corner at a certain time. They declare they are selling to the public and not wholesaling the animals, so they do not have to be registered or inspected by the United States Department of Agriculture (USDA). This situation created some confusion because customers thought they were dealing with a breeding facility, which had been inspected by the USDA. The USDA inspections are only conducted when a breeder is

wholesaling the animals. Those breeders are regulated under the USDA, which is another reason why puppy mills evade detection. The only time the puppy mill operators are exposed is when a neighbor or prior employee calls to report what they witnessed at the facility.

Many of the facilities do not have business licenses or the proper permits. They do not have a sales tax permit, and they are not collecting sales taxes. This bill would help generate money for the state, and it would ensure the taxes owed to the state are collected. It helps consumers by assuring them they will receive a quality product. It will help the animals by providing them with proper care and treatment.

A puppy mill is a business mass-producing dogs for profit with minimal regard for the animal's quality of life and its welfare. Our organization is usually made aware of the puppy mill when a consumer reports the purchase of a sick animal, and they usually want some kind of recourse. Then we find out they paid cash for the animal and do not have a receipt.

It is common for these adult breeding dogs to spend their entire lives in tiny cages in deplorable and filthy conditions, which promote viruses and diseases. These cages are often stacked on top of one another, and they resemble rabbit cages. People think the cages are stainless steel, but that is not the case. Most of the cages have a sliding pan on the bottom of the cages to collect waste products. It slides out for cleaning, but when it is full and not cleaned, the urine and feces spill over on the dog in the cage below. We have to set some standards to protect these animals. Starting at six months old, the female is bred in every heat cycle. She is often weak, undernourished, and dehydrated. The females are kept constantly pregnant and receive little veterinarian care because of the cost. Smaller breeds of dogs often require surgical help to deliver their pups, but they do not get it at puppy mills. This lack of care leads to the agonizing deaths of the females and her puppies. Most females cannot maintain their productivity past their fourth or fifth year, and they are usually killed shortly thereafter because they are no longer an asset to the puppy mill. If the female dog is lucky, she will be shot in the head. If not, they often bludgeon the dogs to death. It is a serious problem.

Two of the most horrific puppy mills have been shut down. One was charged with 100 counts of inhumane treatment to animals. The authorities said the dogs were purebreds being raised for sale to pet stores. Most were found dead or dying inside the breeding facility. The suffering animals were reported by the manager of a nearby ranch. The dogs had been left without food or water. The attending veterinarian said some of the dogs had turned to cannibalism in order to survive. In addition to the dead or dying caged dogs, authorities also

discovered a pile of dead dogs stacked three-feet high. A spokesperson for the USDA confirmed the puppy mill had moved to Nevada after being shut down in Kansas for violations. We have proof these puppy mills are coming into the state, and they have come in. We need to regulate them.

Nye County animal control shut down a puppy mill in Pahrump, and it was charged with 68 counts of animal cruelty. A rescuer discovered a little Yorkie that was injured. His leg was hanging on by a narrow thread, and it was full of maggots. As they held the dog, the maggots fell off the dog's leg onto the floor. Later, the leg had to be amputated. The animals were living in deplorable conditions, and were stacked in cat-size cages. They were living in their own feces, and they had matted hair and eye infections. This video shows the commercial breeding facility in Amargosa Valley. They had been charged with ten counts of animal cruelty. [([Exhibit G](#)) was shown.]

Chair Carlton:

Do we have any other witnesses, or do we open up the hearing for questions?

Stacia Newman:

I have received hundreds of calls and comments from concerned citizens. Over 30 people in Las Vegas made it here today from their jobs to show support for this bill.

Chair Carlton:

I said earlier we would have our simulcast longer, but another committee may need it. Therefore, we will continue with the witnesses from Las Vegas.

Karen Grogan, Private Citizen, Golden Valley, Arizona:

I met Linda Smith, the owner of the puppy mill you saw in the video, in 2007 at a pet store called the Puppy Patch. I was there purchasing a puppy for my mother. As a groomer, I went to her house several times and offered to help her with her dogs. They came into the pet store very smelly and dirty from the appalling conditions in which they were kept. I did meet with Linda Smith on several occasions and stripped the matted coats of standard poodles, toy poodles, and other dogs.

I witnessed first-hand the horrific conditions the mothers and puppies lived in. I also saw how abusive the breeder was to the animals. She would slap them in the face, and she constantly yelled and screamed at them to shut up. Their feet were in bad shape, and they did not have proper food and water. One time I was there when the temperature was 118 degrees. I saw a dead French Bulldog which had been dead for at least a couple of hours or longer. The owner, Linda Smith, did not even know the dog was dead. When the pet

store closed down, I asked if I could have the puppies left behind to give them away. I said I would treat them. Some of them had very bad mites and horrible teeth. I spent about 12 hours getting them shaved and bathed, so they were ready to go to a rescue shelter. I found a shelter in San Diego, which had room to take them all. There is no excuse for anybody keeping their dogs in deplorable conditions.

If you are having problems with maintaining the dogs care, there are people who will help. You just have to ask. Sometimes that is hard for people to do, but you need to do what is best for the dogs. It may mean taking better care of them and cutting the numbers down to an amount you can afford to care for. Breeding dogs should be regulated in this state and every state. No one should have more animals than they can care for. Somehow, in some way, we have to protect these animals. I support this bill and hope we can pass it to help these animals.

Chair Carlton:

We do have some other witnesses in Las Vegas who have signed in to speak.

Clarissa Engstrom, D.V.M., Private Citizen, Blue Diamond, Nevada:

You should all be concerned because puppy mills can affect you. The horrible conditions existing in the puppy mills visit our community when these poor little puppies are purchased by a customer. There are multiple types of bacteria and parasites cultured in the puppy mills much like the *Staphylococcus aureus*, which we are seeing in our hospitals. These infections can travel with the puppies and can infect your dog at dog parks, at grooming shops, or wherever you travel with them. You will be spending hundreds or thousands of dollars to correct the problems.

That is why the puppy mill problem is personal. Do not get angry with your veterinarian because it costs so much to treat a respiratory infection because you bought the animal at a puppy mill. These puppy mill owners are brutal masters to these little puppies. The breeders medicate them randomly. The conditions and inadequate care promote deadly infections which are untreatable because there is no medication for them. The diseases are drug-resistant. I urge you to vote for this bill because the puppy mills are poison in our society, and we must remove them from our system.

Ardelle Bellman, representing Foreclosed Upon Pets, Incorporated:

I have a problem because I misunderstood what the bill is about. I thought it was to illegalize puppy mills.

Chair Carlton:

Are you in support of the bill or against it?

Ardelle Bellman:

I thought its purpose was to illegalize puppy mills period. I wrote my testimony based on that assumption.

Chair Carlton:

Do you mean outlaw puppy mills all together, rather than regulate them?

Ardelle Bellman:

Yes. I would like to read a section of my prepared testimony ([Exhibit O](#)), which is appropriate. [Ms. Bellman read the section into the record.] The federal government has a bill pending, which mirrors what this bill will do in Nevada. The federal bill under consideration enhances our efforts. It mandates regulations, licensing, and out-of-cage time for one hour a day. One hour a day for the animals to be out of their cages is disgraceful.

Karen Kennedy, representing Foreclosed Upon Pets, Incorporated:

[Ms. Kennedy read from prepared testimony ([Exhibit P](#)).]

Tami Simon, Coordinator, Best Friends Animal Society:

My organization totally supports S.B. 299 (R1), and we thank Senator Manendo for introducing this bill. Unscrupulous puppy mills, mass-breeding facilities, and commercial breeders visit inhumane treatment on so many of man's best friends. The breeding stock animals are kept in conditions you would not wish on your worst enemy—much less your best friend. High volume breeding directly contributes to the large number of animals which are euthanized in Nevada's municipal shelters at taxpayers' expense. These funds could be better used for necessary services our state desperately needs. We ask you to protect the animals by allowing more humane standards to be enforced. Do not allow Nevada to be the place where puppy mills can set up shop and subject animals to a lifetime of distress. This is a fair and a commonsense bill, and I urge you to support this bill.

Chair Carlton:

We need to clarify that this bill does not outlaw commercial breeders. It will just set compassionate and reasonable standards, which the authors of the bill believe are appropriate, for commercial breeders. I would like to take some questions, and then we will hear from the opposition.

Assemblyman Goedhart:

If you are a commercial breeder and sell to wholesalers, you have to have a USDA license. If you are a puppy mill operator selling directly to customers, you do not need a USDA license. However, on the video segment we watched, it said the puppy mill operator failed to apply for a license, which was required to sell the animals. I am hearing two different approaches. What licenses are required, and under what circumstances must they be obtained?

Beverlee McGrath:

If you are a large-scale commercial breeder selling animals to a pet store, you are supposed to have a USDA license. That license prohibits you from conducting direct sales to the public. Linda Smith, the owner of the puppy mill in the video, was trying to sell a puppy to the producer of the video. That is why she was in violation. There are currently over 8,000 USDA facilities across the country and 70 inspectors, and that is a difficulty.

Assemblyman Goedhart:

The lady in the video had a USDA license, but she was going to sell an animal directly to a private party. Therefore, it was a violation of her USDA license. Is that correct?

Beverlee McGrath:

That is correct. I do not know for a fact if she does have a USDA license, but someone with that large an operation should have a license, which prohibits a direct sale.

Assemblyman Goedhart:

Is there currently a licensing mechanism required if a person only wants to breed a few litters a year, and they want to sell the animals to private parties?

Beverlee McGrath:

There is not. Some counties require a kennel permit, and some counties require a fancier permit. Some of the permits are regulated under the planning department, but there is nothing statewide. This bill is trying to address that problem.

Assemblyman Goedhart:

I believe the video said there were 27 licensed kennels in Nye County. Is the license issued by the county or the state? [Mr. Goedhart's question was not answered.]

Beverlee McGrath:

I have not checked with Nye County, but I do know it has the largest exotic animal compound in the nation. It also has several other puppy mill operations, but I do not know the status of those.

Chair Carlton:

Mr. Goedhart, if you need someone to help you do any investigation on this, staff will be happy to work with you.

Beverlee McGrath:

The puppy mill shown in the video is going to cost Nye County upwards of \$250,000 to close it. Best Friends Animal Society is willing to shoulder the cost.

Assemblyman Anderson:

I have a concern about section 1.6, subsection 6, which says, ". . . any animal control agent of the issuing authority may enter and inspect the premises specified on the permit at any reasonable hour." I want to make sure if we do have this in the bill, people operating the facility will not be denied due process under the law. We need to ensure this statement will pass constitutional muster. Also, I have a suggestion for making enforcement easier at the outset before a permit is issued under an ordinance. Normally, I would not suggest amendments this late in the session. If we have to amend the bill anyway, I would like to suggest inclusion of a provision to prevent a person—from another state engaged in the puppy mill business on a suspended license—coming here and obtaining a license. It would make enforcement easier and cut down on the incidences of animal abuse because the information about their suspended license would be known at the outset. This way known "bad actors" from other states would be denied permits. I look to you, Senator Manendo, to air out my suggestion. I do not think adding the provision is something I absolutely need to vote for this bill, but I do believe it could improve the legislation.

Chair Carlton:

Senator, if you want to take the second suggestion first, we can have Legal address the due process concern.

Senator Manendo:

I would be glad to talk the suggestion over with you, Mr. Anderson, and see if it is something we want to incorporate in the bill. We do have the mock-up amendment, so we are ready to go on the bill as it stands.

Randy Stephenson, Committee Counsel:

I am addressing the due process issue in section 1.6, subsection 6, where the bill's language refers to the inspection of premises. This is a general issue, and when we draft all legislation we always consider the bill's language in the context of the *Constitution of the United States* and the *Constitution of the State of Nevada*. Due process is one of the issues we consider. In answer to your question, if we had thought there would be a due process issue with this language, the provision would probably not be in the bill.

This bill provides for inspection of premises at reasonable hours for permit holders. In general, this type of provision is common in the *Nevada Revised Statutes* (NRS) for license and permit holders to be subject to inspection of their businesses. The language is not out of line.

Assemblyman Hansen:

As I look at Chapter 574 of NRS, the current law already has provisions to maintain high standards of cleanliness, daily food and water, and removal of fecal material from dog breeder facilities. There is also language in the current law which requires operators of these facilities to have veterinarians examine the animals and to establish sanitation standards that are approved by a veterinarian. The current law also says, when a retailer or dealer of animals receives a dog or cat from a breeder, it must have an official written certification of its health from a veterinarian. Is there anything the lady in the video did which was not covered by current law? Why do we need new laws?

Beverlee McGrath:

We need a new law. Mr. Hansen, I realize you are going to oppose this bill regardless of what I say.

Assemblyman Hansen:

Untrue. If you can show me the lady was not violating existing law, then you have a case for adding a new law.

Beverlee McGrath:

What this bill would require Linda Smith to do, which she is not doing, is to put her permit number on her Craigslist advertisements. The dogs would have to have regular checkups, so the animals would not be infested with parasites and worms. The animals would not be exhibiting the current health problems they have. She would not be allowed to over breed the dogs. This bill would require one breeding cycle per year, and no breeding until the dogs are 18-months old. There are numerous provisions in this bill which would clamp down on her activities. She would have to provide animal bedding, disease control, and meet sanitation standards. This bill would ensure the dogs are treated humanely.

Assemblyman Hansen:

I read all the standards you just mentioned, and they are all currently in the law. I also have a question on section 1.9, lines 25 and 26, where it says a breeder cannot sell a dog or a cat unless it has ". . . A registered microchip subcutaneously inserted into the dog or cat" What is the cost of the microchip? Is that practice a standard one?

Beverlee McGrath:

Shelters are putting microchips in animals. It is a way to identify the animal. Every fourth of July, with all the fireworks, our shelters receive hundreds of panicked animals. The microchipping cuts down on the volume of animals that are brought in. It is a cost-saving device for animal control, and it is a protection for the pet owner.

Chair Carlton:

We will go through the bill, and we will compare the current statutes to the language in this bill. It will be a non-partisan comparison of the two. That way we can compare the facts because there is a lot of misleading information out there.

Assemblyman Hansen:

Perfect.

Chair Carlton:

Is a veterinarian still present in the southern Nevada hearing room? Ms. Pierce has a question. [A woman at the hearing said there was no veterinarian present at this time. Witnesses suggested Dr. Karen Layne could address the question.]

Assemblywoman Pierce:

My question is about microchips. We have been told the microchips can travel and cause discomfort. Can someone address that?

Karen Layne, D.V.M., President, Las Vegas Valley Humane Society:

In southern Nevada, almost all of the legitimate rescue groups do microchip their animals. They do so because of the transient nature of our society. The Las Vegas Valley Humane Society has been microchipping its animals since 2004. We have only had problems with about 1 percent of the microchips because they failed to register. Last year, we received 68 animals back from local shelters because our animals were microchipped. There are a lot of reasons why good organizations, good business people, and good breeders microchip their animals. Most of those people want their animals back, and that is one way to ensure their return. We have had very few problems with microchips.

Assemblyman Hansen:

Are you suggesting good breeders are already microchipping their animals in the absence of a law mandating it?

Karen Layne:

Yes, that is correct. As far as I know the breeders here do microchip their animals, and they do want their animals back. Under our current spay and neuter ordinances, rescue groups are required to microchip their animals. All of our local shelters also do it.

Assemblyman Hansen:

So it is a good business practice.

Chair Carlton:

Ms. Layne is only referring to the Clark County ordinance.

Bridget McGrath, representing the Tahoe Pet Network, and Wylie Animal Rescue Fund:

I wanted to point out something, which was touched on earlier, but I think it may have been lost in the message. This bill is extremely important because it does not just relate to the puppy mills themselves. They are breeding an additional population that we cannot handle in Nevada. The rescue organizations I represent are at capacity and beyond capacity. We have too many animals, and the puppy mills are overwhelming the rescue organizations. A long list of groups supporting this bill include: Las Vegas Valley Humane Society, Nevada Humane Society, Nevada Voters for Animals, Nevada Political Action for Animals, Heaven Can Wait Sanctuary, Northern Nevada American Society for the Prevention of Cruelty to Animals, Nevada American Society for the Prevention of Cruelty to Animals, Lied Animal Foundation, Tahoe Pet Network, and Wylie Animal Rescue Fund.

They all have too many animals to handle. Diseased animals are coming from puppy mills, which is why we need more stringent restrictions. If they operate these businesses as cheaply as possible, it is to the detriment of the animal and to the public. Yes, it is an additional law, but it relates to a commercial establishment that is evading current laws. The animal goes from one commercial establishment to another, so people do not know who to complain to. When you get a sick dog, you do not know if the animal came from a huge commercial mill, which is producing 65 dogs a month. They are evading enforcement because no one knows the genesis of the dog. We need these standards to balance out their motivation to run the puppy mill as cheaply as possible. They will not be allowed to stack the cages because it is cheaper to do it that way, and it is cheaper to have the animals in a smaller space. Cages

that do not have solid floors are cheaper. They breed the dogs to death because it is cheaper, and it increases their profit. They do not use veterinarian care because it is costly. We need to have a licensing restriction, so we can track the origin of the dog.

Assemblyman Livermore:

I have seen the sale of animals at places like PetSmart, Incorporated and other retailers, and they advertise they do not sell puppy mill animals. I do not see anything in this bill requiring retailers to identify their salable animals as not coming from puppy mills. How would you address that issue?

Beverlee McGrath:

It would be best to acquire a dog from an animal rescue group. Once there is a permit system in place, as the bill requires, customers will see the permit and will have recourse to go back to the puppy mill owner. Having a permit system will correct a lot of the problems we are currently experiencing.

Assemblyman Livermore:

Do the two major pet retailers in Carson City—PetSmart, Incorporated and PETCO Animal Supplies, Incorporated—sell rescue animals?

Beverlee McGrath:

They do.

Assemblyman Livermore:

How would the public know that?

Bridget McGrath:

PetSmart takes an active stand. They have a rescue organization, and they have a monthly posting on their website listing all their rescue dogs. A lot of other people cross-post PetSmart's listings. They have their own Facebook page, which is devoted to their rescue dogs, and they post other rescue organizations' dogs. They are active in finding lost dogs and finding homes for rescue dogs.

Chair Carlton:

We will now hear from witnesses in opposition to this bill.

Barbara Kubichka, Private Citizen, Carson City, Nevada:

I am speaking as a breeder and owner of Washoe Valley Collies. I would like to see a list of all the puppy mills that have been closed in Nevada. Could the list be produced so we will have some hard-core evidence?

Chair Carlton:

We can look into it, but typically the Committee asks questions, not the witnesses. The witnesses provide testimony. We will see what we can do about your request.

Barbara Kubichka:

I want to let the Committee know I was told by the Washoe County Animal Control Board that I needed a commercial business license because I made a \$1 profit on a puppy I sold. [Ms. Kubichka held up a copy of her license ([Exhibit Q](#)).] I am a commercial breeder also known as a puppy mill. I fill out my tax return form every quarter.

I agree this situation is driven by economics. Where does the buyer come into this equation? If there was not a demand and an instant gratification factor involved, the market for these nefarious canines would dry up. I am swamped by requests for my puppies, but to get past my gate, the prospective customers have to fill out a three-page questionnaire. Then, I talk to them. They tell me the color, gender, and a certain time they want the dog by. I tell them God gives me what he gives me, and the gestation period is 60 days. Another 60 days is required to produce a sound puppy. My bitches do not come into heat every six months; they come into heat maybe once a year. It is out of my hands what I produce, but that is not good enough for some consumers.

I would rather work with Senator Manendo on a "buyer beware" bill. Buyers want a puppy, and they want it now. They do not care how they get the puppy. I have been in the breeding business for ten years, and I am a high quality breeder. However, I cannot produce a puppy on demand. Most of my clientele are other breeders because they know they can trust the quality of my animals in health, genetics, beauty, and performance. My dogs perform in herding and obedience events and in the show ring. They come from international breeding lines. I see this bill as unnecessary.

I submitted my testimony with additional comments ([Exhibit R](#)). On the second page of ([Exhibit R](#)), there is a copy of NRS 244.359, which says, "Ordinance concerning control of animals, license fee and" It is up to the counties to enforce the statutes already in law. They already have the ability to regulate breeders. In Washoe County, they do. If this bill is passed, they will change the wording to apply to all breeders, not just operators.

My dogs live in my house. Since I have a commercial business license, will Washoe County animal control officers begin showing up on my doorstep to see if my bathtub is clean enough? That is where I wash my dogs in the winter.

My dogs sleep at the foot of my bed so will the authorities be checking to see if I am a good housekeeper?

I do microchip my animals, but I am neutral on the topic. My dogs are valuable, and I microchip them for my customers. I had a litter of puppies two years ago, and one of my customers put his puppy in the back of a pickup truck, and it fell out. The dog hung around an old mining shaft until they found it three days later. Our system in northern Nevada works very well, and we do not have a dog dumping issue. In Washoe County, we are already regulated. I do not see a need for this bill; it is already on the books.

I will leave it to Mr. Smack to cover the financials on the bill. I included a page on the fiscal impacts provided by Humboldt, Washoe, Churchill, and Esmeralda Counties. [See ([Exhibit R](#)).] I do not think it is the state's prerogative to regulate breeding practices. I do not inoculate my puppies; they are my children. I bred a dog named "Sunny," and he got vaccinosis after he received vaccinations. The customer did this to him, not me. I bought the dog back from the customer and gave him an extra hundred dollars to relieve him of the burden of caring for a sick dog.

There is a need to educate the public and to tell them not to buy from puppy mills. I recommend people going to the club website for the breed of dog they are interested in and read up on them. People can find a referral on these websites for a good breeder. Contact rescue groups if you just want a pet. I do not usually sell pets; my dogs are performance dogs. Be wise with your money because it is an investment. I have spent \$2,500 on a puppy. People need to work with the good breeders. This bill tells us how to run our businesses. I do not go to people who raise thoroughbreds for the Kentucky Derby and tell them how they should manage the animal husbandry of the foals and colts that they are raising to run in Triple Crown races. We know better than you what is right for our breeds. For my breed, I know my collies are very susceptible to vaccinosis. Vaccinating every year is not a good idea. It can cause autoimmune diseases.

In summary, it is a "buyer beware" issue, and breeders would be happy to work with Senator Manendo to write a bill to prevent Nevada consumers from getting "ripped off" and to make sure the breeders do not get blamed for it.

Chair Carlton:

I thought the video spoke for itself on some of the problems which are out there. This comment does not require a response, but I understand what you are talking about.

Barbara Kubichka:

We would like to work with you.

Chair Carlton:

It is on the buyer's side also. My family has never purchased a dog. They either show up at our door, or we have rescued them. I understand that, but I believe there is a bigger issue out there.

James Smack, Private Citizen, Fallon, Nevada:

My primary concern with this bill is the unfunded mandate portion—the financials. Simply put, I would have to oppose the bill because there are no limitations on the amount of the fees. This bill is designed to be a lot like California's breeding licenses. In Placer County, it is \$700 per permit, and in Irvine, it is \$1,200 per permit. Those are just two examples. My concern is the nonspecified limitation on the amount of the fees. Perhaps, the amendment will address the problem. It might to a certain extent by stating they "may" charge a fee as opposed to saying "will" charge a fee. However, the current language puts no controls on the amount of the fee.

Churchill County's county manager estimated in its fiscal note that this unfunded mandate could cost the county \$70,000 per biennium. Churchill County has a small population base compared to Nye or Elko Counties so their costs for enforcement could be a lot higher. I would estimate the cost could run into the six or seven digit figures because those counties are much larger in total area.

I detest puppy mills. I have helped shut down puppy mills, and I have rescued dogs with my wife's help. We still have a couple of those rescue dogs as pets in our home.

This bill does not define a commercial breeder. On Churchill County's fiscal note, Mr. Goetsch, County Manager, did a good job of defining a breeder by saying, ". . . 10 cats or 10 dogs of not less than 6 months of age constitutes a 'breeder.'" This type of definition may be more suitable because the bill is designed to target commercial operations. It should not be left to the counties to decide who is a commercial breeder. There is no language in the bill stating what does or does not constitute a commercial breeder operation. I do not like the vagueness of the bill.

One of the easiest ways to eliminate puppy mills in this state would be to ban the sale of dogs and cats at pet stores. Banning the sales would reduce the demand so there is no more need for the supply. This ban would remove the puppy mill operator's outlet to sell the puppies.

My biggest concern is the financial implications being placed on the counties. I agree with Mr. Hansen; existing laws are sufficient to address these issues.

I am also concerned about the bill's language which states a dog or cat from a breeder must have a "registered microchip." Putting a microchip in a six- to eight-week-old animal could cause the microchip to migrate within the animal to a place where it does not belong. I have always had a concern about microchipping an animal before it is an adult. Microchipping animals at a young age can be a health risk. I urge the Committee to vote no on this bill.

Chair Carlton:

For clarification, the amendment does address the fee by making it permissive, and if the county wanted to institute a fee, there would be public hearings and/or workshops. The county would take all the standard measures required to establish a fee. That is enabling.

James Smack:

I am assuming public hearings would be held by the counties on the fee issue. Regardless of that, the state has mandated the counties hold public hearings to set up the guidelines, whether or not there is a fee. There will still be an unfunded mandate.

Chair Carlton:

There are processes for enabling the legislation. We set up the framework, and the counties put it into effect. Because the bill is enabling, it may not even go into effect, and the counties may absorb the costs. There was so much misinformation about the issue; I want to ensure we get the correct information on the record. The bill's language covers hobby breeders, and they are exempt from this bill. The intent of the bill is to regulate the commercial breeder. We always want people to point out their concerns from their own viewpoint.

The fiscal note only applies to local governments. Is that the correct one you are referring to?

James Smack:

Yes, that is the one.

Chair Carlton:

With the exception of Churchill County, the reporting counties indicate there is no fiscal impact.

James Smack:

I was referring to the Churchill County fiscal note.

Chair Carlton:

What name would it be under?

James Smack:

Mr. Goetsch put it together.

Chair Carlton:

I have the fiscal note. It states the City of Henderson, City of Las Vegas, City of North Las Vegas, City of Reno, and Carson City all show zero fiscal impact. The following counties also show zero fiscal impact: Clark, Esmeralda, Eureka, Washoe, and White Pine. Somehow, Churchill County came up with a \$70,000 fiscal note. Are there any questions?

Assemblyman Hansen:

I am looking at section 1, and I do not see any definition for a commercial establishment. I want to make sure this bill is only targeting very large dealers. What is a commercial establishment?

Randy Stephenson:

The language in section 1.3 says, ". . . for the operation of a commercial establishment engaged in the business of breeding dogs or cats" This language is directly tracked from the language for the definition of "operator," which has been in statute since 1993. It says, "'Operator' means a person responsible for the operation of: A cattery, kennel or commercial establishment engaged in the business of selling animals" Therefore, there is precedence for the bill's language since the definition has been interpreted and applied since 1993.

Chair Carlton:

Mr. Yarbrough, would you like to proceed?

Tony Yarbrough, representing the Nevada's People for Animal Welfare:

In my written testimony, I started out to discuss the fiscal side of this bill, and now I am not sure I should delve into this. I have one "burning question" in my mind. The language in the proposed amendment removes the fee mandate. There is no requirement for the counties to have one. It is optional.

Chair Carlton:

Do you want us to answer your question?

Tony Yarbrough:

Yes, I do.

Randy Stephenson:

That is exactly what the amendment does. It makes the enforcement of the fees discretionary for the cities and counties. It would be up to them and limited to the cost of their services for issuing the permits.

Chair Carlton:

We always try to aim for revenue neutral when we can.

Tony Yarbrough:

I asked about the fiscal impact because there is talk about the City of Reno declaring bankruptcy in order to survive. It would leave Washoe County to pick up all of Reno's financial issues. It is a precarious situation if you are dealing with a fiscal note. That is where I was coming from. I want to talk about the intent of the bill to regulate large-scale commercial breeders, commonly called puppy mills. Let me explain seven items you may not know about them. [Mr. Yarbrough read from prepared testimony ([Exhibit S](#)).]

Chair Carlton:

Are there any questions?

Assemblyman Anderson:

Have you talked to the bill sponsor about your concerns and have you offered any language to address them? Looking at the video, the situation looks very bad. I do not think everyone is as responsible as you are. From what you are telling us, it seems like you really care about animals. I would suggest you talk to the bill's sponsor and work on some language. What we saw in the video is something we have to fix. I live in a densely-populated urban area, and I have seen these operations there. We need to address the puppy mill problem without going too far so responsible breeders are not being harmed. The amendment is being worked on so I encourage you to work together with us. We will be able to find a solution that works for the state. We do not consider making regulations just to regulate. We make regulations because there is a problem that needs to be fixed.

Chair Carlton:

Mr. Yarbrough, in your testimony, you used the term "propaganda" in referring to something. Was it about the news article?

Tony Yarbrough:

Yes, my associate in Pahrump advised me the exhibit pictures, which show Linda Smith's facilities, were taken over two years ago. He said some of the photographs given to this Committee are standard file and undated propaganda photographs.

Chair Carlton:

Which photographs are you talking about? If you make such an assertion, you need to back it up.

Tony Yarbrough:

I will get the details.

Chair Carlton:

I will expect the details before this meeting's minutes need to be completed. I will need them by next Monday.

Tony Yarbrough:

I agree.

Chair Carlton:

Because we cannot have unsubstantiated statements on the record.

Tony Yarbrough:

I agree very strongly.

Chair Carlton:

Then, you were not referring to the news article?

Tony Yarbrough:

No, I was not.

Chair Carlton:

I just needed to make that clear.

Tony Yarbrough:

Can I respond to Mr. Anderson?

Chair Carlton:

Yes, go ahead.

Tony Yarbrough:

Mr. Anderson, I agree with you completely, and I would like you to know the Senate Committee on Natural Resources hearing was so emotionally charged. I was personally, but politely, attacked while trying to make a statement. It was clear to me they were not interested in anything I had to say. So what I can tell you at this point is this Committee has a little more common sense.

Chair Carlton:

We are not going to get personal. You are not going to attack a Senate committee from the witness table. It is totally inappropriate because there are some lines we do not cross. If you had a bad experience, I will personally apologize to you for the Senate Committee on Natural Resources.

Tony Yarbrough:

Thank you, I appreciate your comment.

Chair Carlton:

You had a bad experience, and I do apologize, but hopefully this hearing is better.

Tony Yarbrough:

My intent is to find a solution to the issue. I agree the situation you saw in the video is absolutely unacceptable, but it is being dealt with. It is not a statewide run amok issue that is an identifiable problem. We have laws on the books to control this problem, and I do not believe they are being used. How do we find some way to amend this bill, so current laws are enforced? I am open and receptive to finding a solution.

Assemblyman Hansen:

Was there any problem in the video, such as the green water and unsanitary conditions, which is not already addressed by state law? Violations of existing state law were shown in the video. Do we need new laws to address the problems in the video that are not currently being addressed?

Tony Yarbrough:

The conditions I saw in the video are already a violation of existing law. The applicable laws need to be enforced.

Assemblyman Goedhart:

I wanted to ask your opinion of the licensing requirement. If you are a backyard breeder producing only one litter a year and you sell the pups, it could be construed as being a business enterprise. Are you concerned that this bill's language will also apply to the backyard breeder? There are no set standards for identifying a commercial breeder. If a backyard breeder sells some pups, he could conceivably need a license. Is that correct?

Tony Yarbrough:

I do not have it with me, but there is very specific language for identifying a breeder. I believe a breeder is a person who produces ten or more offspring per year. Generally speaking, a hobby breeder breeding for perfection does not

arbitrarily breed his animals. I know thousands of hobby breeders, but not one of them is making a profit. We do report our transactions as profit and loss on our taxes. I have had a business license, but I continually report a zero net income on my taxes. After a while the taxing authority does not want to hear it anymore.

Chair Carlton:

Are there other questions? [There were none.]

Chris Vaught, Private Citizen, Carson City, Nevada:

[Ms. Vaught read from prepared testimony ([Exhibit T](#)).]

Chair Carlton:

Are there any questions?

Assemblyman Livermore:

You indicated you sold one litter of pups. At that time, did you consider yourself a hobby breeder?

Chris Vaught:

I would consider myself a hobby breeder. I do not have an American Kennel Club recognized breed, so I do not breed for the show ring. I breed stock dogs.

Assemblyman Livermore:

If I decide to breed my female, would that categorize me as a hobby breeder? Would I need to buy a license or permit and be subject to property inspections?

Chris Vaught:

I believe the way the bill is written your situation does not exclude you from being classified as a breeder. In section 1.3, it says, "'Breeder' means a dealer, operator, or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade."

Chair Carlton:

Mr. Livermore, you would not be a commercial establishment.

Assemblyman Livermore:

I just want to make sure people who casually or accidentally breed their pets will not become victims under this bill since they did not purchase a permit.

Chris Vaught:

I do not know. There is a question in my mind. The questions I was asked by the Senate Committee on Natural Resources put more questions in my mind. I was asked if I had sold a puppy and made money on the sale. I responded that I sold a puppy; but I did not say I made any money on the sale. That was the focus of the questions asked, and it did not allay my fears that my action could be the actual intent of this bill.

Chair Carlton:

Mr. Stephenson, I thought we made it clear at the beginning of this hearing that the intent of the legislation was to exclude hobby breeders. Is there a need to work on the definition of "breeder" to actually define what a "commercial breeder" is so we specifically exclude hobby breeders?

Assemblyman Livermore:

I am concerned about unintended consequences for . . .

Chair Carlton:

You would not be a commercial breeder even under the current language in this bill.

Assemblyman Livermore:

I would be a hobby breeder.

Chair Carlton:

Mr. Stephenson.

Randy Stephenson:

The words in the bill that say, ". . . commercial establishment engaged in the business of breeding dogs or cats for sale of trade" are not defined terms for the purposes of this bill. As I pointed out earlier, the language is directly lifted from other provisions which define the word "operator" and is currently found in Chapter 574 of NRS.

To respond to your question, Madame Chair, any sort of amendment or language clarifying what something means or does not mean would be helpful. From a legal perspective, just because words are not defined does not imply the words have no meaning. The words would be given their plain meaning. The plain meaning would be contained in a dictionary, and you can look it up. What is a commercial establishment? What is a business? Senator Manendo did go on the record and make a statement of legislative intent. As to these provisions, the plain meaning would probably not include a hobby activity of breeding or raising animals. It would have to be a business.

Chair Carlton:

I think we may need some exemption language to give people a level of comfort. We will work on that. I have written down a list of questions that I will discuss with Senator Manendo after the hearing today. Are there any other questions? [There were none.] You have heard all the different questions that have been raised, and you can reach out to the members of the Committee for answers. We will put together a working group because there are some issues that need to be addressed. I do not want the same thing to happen in the Assembly as happened in the Senate. The language and intent of this bill needs to be absolutely crystal clear to everyone before it leaves this Committee. That is the Chair's intent. I am closing the hearing on S.B. 299 (R1).

[The Chair requested the following exhibits be included for the record: Dog and Cat Vaccination Information ([Exhibit U](#)), Fact Sheet on Buying versus Adopting a Pet ([Exhibit V](#)), Fact Sheet on Breed Clubs and Breeding Rules ([Exhibit W](#)), Letter of Clarification ([Exhibit X](#)), and a Petition to Enact Laws to Regulate Commercial Breeders ([Exhibit Y](#)).]

This meeting is adjourned [at 4:42 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

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

Date: May 12, 2011

Time of Meeting: 2:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 299 (R1)	C	Senator Mark Manendo	Testimony
S.B. 299 (R1)	D	Senator Elizabeth Halseth	Letter of Clarification
S.B. 299 (R1)	E	Senator Mark Manendo	Proposed Amendment No. 6706
S.B. 299 (R1)	F	Beverlee McGrath	Report: <i>Puppy Mill Closure: The Economic Impact on a Local Community</i>
S.B. 299 (R1)	G	Beverlee McGrath	Video of Puppy Mill
S.B. 299 (R1)	H	Beverlee McGrath	Facts About Cage Stacking
S.B. 299 (R1)	I	Beverlee McGrath	Fact Sheet on Problems with Grid Flooring in Dog Kennels
S.B. 299 (R1)	J	Beverlee McGrath	Microchips Fact Sheet
S.B. 299 (R1)	K	Beverlee McGrath	Statement Called Stop Puppy Mill Abuse
S.B. 299 (R1)	L	Beverlee McGrath	Fact Sheet on Puppy Mill Breeder Facilities
S.B. 299 (R1)	M	Beverlee McGrath	Fact Sheet on What Is a Puppy Mill?
S.B. 299 (R1)	N	Beverlee McGrath	Statement on Language from Clark County Title 10 Ordinance
S.B. 299 (R1)	O	Ardelle Bellman	Testimony
S.B. 299 (R1)	P	Karen Kennedy	Testimony
S.B. 299 (R1)	Q	Barbara Kubichka	Copy of Business License
S.B. 299 (R1)	R	Barbara Kubichka	Testimony
S.B. 299 (R1)	S	Tony Yarbrough	Testimony
S.B. 299 (R1)	T	Chris Vaught	Testimony
S.B. 299 (R1)	U	Dennis Wilson	Dog and Cat Vaccination Information
S.B. 299 (R1)	V	Karen Goodman	Fact Sheet on Buying versus Adopting a Pet

S.B. 299 (R1)	W	Karen Goodman	Fact Sheet on Breed Clubs and Breeding Rules
S.B. 299 (R1)	X	Anthony DeMeo	Letter of Clarification
S.B. 299 (R1)	Y	Stacia Newman	Petition to Enact Laws to Regulate Commercial Breeders