

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

**Seventy-Sixth Session
May 19, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 2:39 p.m. on Thursday, May 19, 2011, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4410 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 John Ellison
Assemblyman Ed A. Goedhart
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Judith Coolbaugh, Committee Secretary
Linda Waters, Committee Assistant
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

Trish Swain, representing TrailSafe Nevada
Ryan Werner, Private Citizen, Henderson, Nevada
Joel Blakeslee, President, Nevada Trappers Association
Margaret Flint, representing Nevada Humane Society
Beverlee McGrath, representing American Society for the Prevention of
Cruelty to Animals; Best Friends Animal Society; Political Animal
Welfare Political Action Committee; Action for Animals;
Nevada Humane Society; and Nevada Political Action for Animals
Bridget McGrath, representing Pet Network of North Lake Tahoe;
and Wylie Animal Rescue Foundation

Chair Carlton:

[Roll was called.] We are going to start with Senate Bill 226 (1st Reprint). We were waiting for Senator Leslie. She may have gotten held up. I believe there is someone else here who can present the bill. We are going to hear this bill first because we only have the video feed to Las Vegas for a half hour at the most. We want to be able to have a brief overview of the bill and allow the folks in southern Nevada to get their testimony on the record. We will then come back North to deal with the rest of the issues. If the Senator arrives, we will have her chime in also.

Senate Bill 226 (1st Reprint): Requires the Board of Wildlife Commissioners to adopt certain regulations governing the trapping of fur-bearing mammals in certain counties. (BDR 45-975)

Trish Swain, representing TrailSafe Nevada:

Since we were put back on the agenda with short notice, we do not have many witnesses. I am going to give you a little background on the bill as amended and answer any questions you may have. It is my hope that S.B. 226 (R1),

as amended, merits your full support as we re-approach the Nevada Board of Wildlife Commissioners with what we consider a common sense request for trap regulation.

[Continued to read from prepared testimony ([Exhibit C](#)).]

[Showed trap of which photos were taken for exhibit ([Exhibit D](#)).] I sent you some pictures ([Exhibit E](#)), which you may have in your email. You can look at these to see the other kinds of traps we are discussing. This is a body-crushing, or Conibear trap, and you will see a photo of a dog caught in one of these traps. You will also see a snare trap, which tightens around the animal's neck until it is strangled. As it struggles, it will get more strangled. You will also see another kind of trap, but I do not know anything about it or how commonly it is used. You can see what the raccoon is going through. There is another example of a Conibear-style trap, and a rabbit's head is caught in it. I am sorry if it is disturbing, but this is what we are talking about.

The reason we have this bill is not so that the Legislature will make trapping regulations. As our bill was amended on the Senate side, we are not talking about you making regulations about the use of these particular kinds of traps. We are talking about asking for your support as we go back to the Wildlife Commission. I will give you a little review of the history we have with the Wildlife Commission in the hopes that you will urge the Wildlife Commission to adopt regulations regarding the use of traps in congested areas only. We are only talking about congested areas where most of us exercise our pets. We are not talking about regulating trapping or usurping anybody's right to trap in the wide-open spaces. We are talking about congested areas in our large population centers only. With that said, I will show you a brief video that should illustrate the kind of situation we are hoping to get your support for.

[Showed video, which is not an exhibit.]

That is an overview of the kind of issue we initially thought to deal with through the Legislature, but we are quite happy to take this back to the Wildlife Commission for regulation of traps set where people are recreating with their pets.

The problem is further detailed in our incident reports, which you should have. These incident reports are also on the TrailSafe Nevada website. We have over 50 incidents that people have sent in. I have also gotten over 556 emails in support of TrailSafe since starting this campaign this year. Many of those detail similar incidents. They include people out, recreating, walking their pets, and they come across a trap. I have been questioned about how often this happens.

I have been told by a game warden that there at least 100 incidents a year throughout the state. The letters I receive come from people throughout the state. There is no official record kept, but to those who say it does not really happen, I guarantee you that it happens. Because of the volume of mail we are getting, I do suspect we are seeing just the tip of the iceberg as far as the frequency of these kinds of trappings. For instance, just this week, I received a letter about a dog named Cody that was killed in a skunk trap in the Arrowcreek neighborhood, which you may know is an upscale neighborhood here in the City of Reno. This has been verified, and I do have the family's name. There is no question that this is what happened to this dog. This happens frequently in all kinds of residential neighborhoods. I also received a Facebook message ([Exhibit F](#)) from a woman named Karenina Schuller, who gave me permission to use her name.

[Read from Facebook message.]

I get these messages from all over Nevada. The ones that hit the media are just the tip of the iceberg. In March 2010, there was a cat and skunk trapped in Cottonwood Park in the City of Sparks, which is within the Sparks city limits. That got a lot of media attention. In August 2010, a cat, that I have subsequently adopted, was caught in a trap near a school in Golden Valley, which is also in a residential neighborhood. Why are these traps out there, and who is putting these traps out there? I do not think this is the responsible fur trappers who know the rules and do not want to be anywhere near residential areas. They trap in the outback. I think this is people who are annoyed because there is a coyote in the neighborhood, or somebody does not like the neighbor's dog. It is kind of a random situation, but I think it is very dangerous in the interest of public safety. That is why we brought up S.B. 226 (R1) in the first place.

I will talk about the bill as amended.

[Continued to read from prepared testimony ([Exhibit C](#)).]

Therefore, what we have is a bill that we urgently hope you see fit to pass. This will give some fuel to the fire to the Wildlife Commission to impress upon the Commissioners the urgency of this situation and that regulation is needed. That will be done with the weight of the Legislature behind this request. That is where we are now.

[Continued to read from prepared testimony.]

We are in no way trying to regulate trapping or trapping seasons. We are attempting to protect public safety, and when traps are found in congested areas, they are found year-round and not only in fur trapping season.

[Continued to read from prepared testimony.]

We have letters from pest control operators who previously had been afraid they would no longer be able to pursue their business. They will absolutely be able to pursue their business. They saw this, and we had a good meeting with them. They agreed, and the letter is in your folder. Additionally, I had a good conversation with Mr. Jensen of the United States (U.S.) Department of Agriculture Wildlife Services, and that letter is also in your folder in which he said he is not opposed to S.B. 226 (R1) as amended. While he does not say that specifically, what he does say is that he appreciates that Wildlife Services will be exempted from many regulations written and, therefore, can still perform its duties.

[Continued to read from prepared testimony ([Exhibit C](#)).]

In other words, they told us to be in agreement with the trappers, and you should have no trouble getting this regulation. We got an agreement from the trappers, and then they said, "What about the pest control people?" We got an agreement from the pest control people. By that time, we also had to submit a bill draft request if we were going to pursue legislation. At that time, we turned our efforts to the Legislature, but we are still in contact with the Wildlife Commissioners and are very happy to re-approach them.

[Continued to read from prepared testimony.]

We did that in April 2010 after "Trapper John," as the cat became known, was trapped in Cottonwood Park. We thought this was a public safety issue and could be handled on a local level. Our first thought was to go to the Washoe County Commission; however, the Commission told us the Wildlife Commission had jurisdiction in this question. We then went to the Wildlife Commission and had numerous meetings. We had numerous negotiations and work sessions in which the final form of the regulation that we presented in December was agreed to by the Nevada Department of Wildlife (NDOW), the Nevada Trappers Association (NTA), Washoe County Regional Animal Services, pest control companies, et cetera. As we went through the process with meeting after meeting and rewrite after rewrite, we gathered more folks into the circle of agreement and contributing to the regulation as it was written. That is the regulation we hope to proceed with when we re-approach the Wildlife Commission. It was said that we did not

include the NTA in the planning when we decided to approach the Legislature, but we did indeed.

[Continued to read from prepared testimony ([Exhibit C](#)).]

He is willing to negotiate with us in order to ensure that does not happen.

Chair Carlton:

Ms. Swain, I am going to have to cut you off. I have to give the people in Las Vegas time because they are going to lose the feed. We will hold questions. We need to let them get their concerns on the record.

Gentlemen, please proceed.

Ryan Werner, Private Citizen, Henderson, Nevada:

I did have some demonstrations, but I was told no traps were legal in this meeting. At the last meeting, my son did demonstrate putting his hand in one of those leg hold traps, and there was no damage. I prepared a note ([Exhibit G](#)) not knowing if I had time to come into this meeting. I will read that. On behalf of my three sons, wife, friends, the NTA, Wildlife and Habitat Improvement of Nevada, and all trappers, I am here in strong opposition to S.B. 226 (R1).

[Continued to read from prepared testimony.]

Right after the NTA presentation, we set up feeders. We believe that coyotes and other predatory animals, such as bobcats, do their part not allowing the quail, chukar, dove, and some of the small game animals to repopulate. They need to be controlled. They know where the food is, which is close to some of these residences but over 200 feet away, which is legal for trappers. We have done numerous wildlife projects. As well as help my family supplement our income, we have had trappers find notes on their sets with a bullet on it. One incident happened to a trapper named Emilio, and the note said, "The next one is for you." I do not know if leaving our information on the trap would help. On the video that Ms. Swain showed, the dog was on public lands, and her dog was not on a leash. I did not hear that addressed. Most of these incidences would be prevented if they were following the law by having dogs on leashes. I am an animal lover myself. As far as small rodents, we have plenty of snakes and reptiles and predator birds that would also help eliminate some of that problem with the rodents.

The traps we use are not lethal. My family and I caught a dog the last trapping season, and as traumatic as it was, the dog came out fine. I did not bring the information with me to support that, but I can definitely get it. I have even

caught two of my own dogs. There is some yelping, but once the initial shock is over, and the animal is taken out of the trap, I have not seen an animal harmed yet. The animals that were trapped in parks were trapped in illegal trap sets. I would hope that law enforcement would take care of those and we would not have to have this amendment to limit trapping. People trapping illegally should not affect legal trappers. They need to be dealt with by the Wildlife Commission and enforced by NDOW. Like I said, my family does have consideration of all people. By asking us to abide by laws, we also ask that laws be enforced for animal owners.

I brought my 15-year-old son, and we do a great deal here in Nevada for supporting Nevada's wildlife, and we would like to leave it there.

Chair Carlton:

That is what the process is about. I want to make sure that we are both on the same page. The bill was greatly amended and has just one small section left. I am not sure if you have the most recent version of bill. It will be listed as the "1st Reprint." It has changed dramatically. If you do not have a copy of that, please see the secretary in Las Vegas, and she will make sure you do get a copy of it. What the bill does currently is have the Wildlife Commission deal with regulations governing trapping "in a residential area of a county whose population is 100,000 or more." It is aimed solely towards public safety. It is not trying to limit trapping, put fees on trapping, and require registration of traps. It is a way to get the Commission to deal with public safety aspects of trapping. Do you have the current version of the bill?

Ryan Werner:

Yes, I do. I did have a brief time to look at it. We are opposed to any amendments.

Chair Carlton:

You understand that this is to allow the Wildlife Commission, which has jurisdiction over this issue, to make sure there are regulations to protect the public? That is simply it. This is all about protecting the public. I understand your concerns with the dogs not being on a leash, but I have to tell you that children are usually not on a leash either. That is the purpose behind this. We are not trying to do anything more than that. It is a fully public process that we would want you to participate in to make sure it did not go the wrong way. I am just trying to alleviate your fears of this bill. I know it had a lot of opposition in its original form. People are still opposed because they get so wound up about being opposed that once it is better, they do not realize it is better. I just want to make sure you understand.

Ryan Werner:

I do. It is a great step towards a better resolution of regulating so much, but 1,000 yards from some dwellings is very far. As far as public safety, my family has been trapped by our own traps numerous times, and we still have all of our fingers, arms, and do not walk with a limp. I do believe there is no danger as far as public safety is concerned.

Chair Carlton:

In my understanding, the 1,000-yard component is no longer in the bill. Mr. Stephenson, can you either affirm or deny the Chair's impression?

Randy Stephenson, Committee Counsel:

The 1,000-yard requirement had to do with the original version of the bill. That was amended out and is no longer in the 1st Reprint.

Chair Carlton:

One other clarification if I could, Mr. Werner; you mentioned who you were representing in your opening statement. I believe you mentioned the NTA. Are you authorized to speak for the Association? We were under the impression that there were ongoing talks and compromise within the different parties, and the NTA was one of those entities.

Ryan Werner:

No, I do not know if I am authorized. I am a member, and I received an email from Mr. Blakeslee last night. I was not coached on what to say. I have not spoken with any of them, but I felt strongly about supporting the NTA by being here to oppose it.

Chair Carlton:

When you are part of an association and are opposing something, but you are not authorized to speak for it, we must be very careful of the record we are creating on this. We do have someone from the NTA here. We will let him speak for the Association because that is how we structure what the Association would like to say on the bill. We will recognize you as a member of the Association.

Ryan Werner:

I appreciate that. They are more educated on it than I am.

Chair Carlton:

Did your son or the other gentleman there wish to put anything on the record?

Ryan Werner:

Not at this time. They did not come very well prepared either.

Chair Carlton:

That is okay. It is the end of the session. We only have about 2 1/2 weeks left to go, so we are just doing our job.

Mr. Blakeslee, would you like to come up to address a couple of concerns? I believe we have a couple of folks in opposition up here.

Joel Blakeslee, President, Nevada Trappers Association:

I will not go into a long-winded dissertation about trapping as I did in the Senate. As you have mentioned, the bill had quite a bit more to it at that point than it does now. At this point, we are ambivalent about this. I think if this goes forward, we are going back to the Wildlife Commission, and if it does not go forward, we are going back to the Wildlife Commission. We are okay with the way the bill is right now. If you want me to tell you all about trapping, I will, but if you would rather us just move on, I would like to request that I can rebut any amendments that might be proposed.

Chair Carlton:

I do not believe there are going to be any proposed amendments today. I believe the resolution of this bill was that this was the agreed upon compromised version, and the Chair does not intend to accept any amendments on the bill today.

Joel Blakeslee:

I will step down then, Madam Chair.

Chair Carlton:

For the Committee's notice, I plan on following this issue for the next 18 months. I will probably learn more about trapping than I will ever want to know. I have also learned about cougars, horses, bears, and shed antlers. My world is expanding.

Committee, do you have any questions for Ms. Swain? I know this has been a bit disjointed. [There were none.] Are there any questions for the gentleman in southern Nevada? [There were none.]

Ryan Werner:

Mr. Blakeslee speaks for us.

Chair Carlton:

Mr. Blakeslee, we do have one question for you.

Assemblyman Hogan:

The gentleman from the South referred very favorably to your organization, of which he is a member. He made reference to the training that you offer. I presume you want to inform the youngsters, as well as their parents. He mentioned that the training included some advice not to be close to people's homes and so on. What is the standard instruction or advice that your trainers might give to people regarding that issue? In the wild part of our state, which is most of it, it is perfectly legitimate and a way of making a living. We are all familiar with that. It is only in the congested areas where it gets worrisome. What is your standard distance or way to describe what you feel would be safe?

Joel Blakeslee:

I tell young and old trappers that the thing you should do is imagine the worst-case scenario. You should sit there and look around you and say, "Is there any chance that someone's dog is going to roam around this part?" You need to think about the worst thing that can happen. Like Ms. Swain said, I am not interested in catching any dogs or cats. That is furthest thing from my mind. We go to extraordinary measures to avoid them. When I am around town, I usually climb to the top of a peak. I will not settle on the side of a road or next to an urban situation. We go through that in a lot of detail. We have an excellent record for the amount of activity that is out there.

Assemblyman Hogan:

What length of time is a set trap usually left before the trapper comes to see if he has been successful? Is it at least typically overnight?

Joel Blakeslee:

It totally depends on the species and the season. We have a framework to work within. Many people say they stay with the trap for the whole time period. In the instance of water animals, you can check once or twice a day. There are reasons for the time limits. There are weather conditions, personal problems, vehicle problems, and many other things that come into play. Harming animals is not the reason we do this. That is not our objective at all. We do this as humanely as we possibly can.

Chair Carlton:

We do have a couple of other folks who do want to speak in opposition, so I will let them come up. Do we have anyone else who wanted to speak in favor of S.B. 226 (R1)? We need to be very brief.

Margaret Flint, representing Nevada Humane Society:

We want to be on the record that we do believe there is a need to address this issue. We do encourage and support S.B. 226 (R1), and we ask that you also support it.

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

Animals do get trapped mistakenly in these traps, and under current Nevada law, trappers are supposed to check their traps every 96 hours. It is extremely rare that trappers check them every day or twice a day. I thought I would put that on the record. There is a need to address this issue. Having traps restricted and regulated in congested areas is extremely reasonable, and we urge your support of this bill.

Bridget McGrath, representing Pet Network of North Lake Tahoe; and Wylie Animal Rescue Foundation:

We also want to go on the record that we feel our area is very susceptible to domestic animals being trapped inadvertently. It is certainly not the trappers' intention, but it still happens. We want to go on record that we support this legislation.

Chair Carlton:

Are there any questions from the Committee? [There were none.] I do not have anyone else marked in opposition or support wishing to speak, so we will go ahead and close the hearing on S.B. 226 (R1). We will place this issue at the back of our work session document. As we work through, this will probably be one of the last bills we process.

Let us go to our work session. We will try to work through this as quickly as possible. We will start with Senate Bill 102 (1st Reprint).

[Senate Bill 102 \(1st Reprint\)](#): Revises provisions governing the taking of wildlife. (BDR 45-764)

Chair Carlton:

Senate Bill 102 (R1) provides that a person who unlawfully kills or possesses a trophy big game mammal is liable for a civil penalty of \$5,000 to \$30,000.

[Continued to read from work session document ([Exhibit H](#)).]

You will notice many mandatory adopt regulations. We want to make sure that regulations do get adopted because of the previous discussions about not having some regulations go into effect.

Assemblyman Livermore:

My question goes towards the adopted regulation for shed antlers. Does that include a fee or a fine?

Chair Carlton:

I do not believe it did in the bill, but we will have someone look.

Assemblyman Livermore:

My question was whether the Nevada Board of Wildlife Commissioners could include a fine for the absence of paying a permit fee.

Randy Stephenson, Committee Counsel:

I believe in an earlier iteration of this bill, there was language about a fee, and it was taken out.

Assemblyman Livermore:

That is why I was asking. I want to make sure.

Randy Stephenson:

I do not believe there would be any authority for the Wildlife Commission to do that by regulation.

Chair Carlton:

We have to give them permission for that, and the permission was withdrawn.

Assemblyman Hansen:

I have a comment on the bill. Section 1 of the bill deals with the penalty of \$5,000 to \$30,000, and currently in law, if somebody poaches a big game animal, it is a felony. He would forfeit his vehicles, firearms, and anything used at the time. I think there is a substantial civil penalty. I have no problem with section 2. If you want to do like what we did in that last discussion and kick this back to the Commission to have them deal with it, I would be okay with that.

We do not have the time or knowledge to deal with shed antler policies. I have a problem with adding penalties on penalties. If you look at the statistics, the number of animals actually poached in Nevada is around 15 or 20 deer. It is very minimal, especially in relationship to the legal harvest. I asked for the statistics of the people who are actually given citations, but I did not get them.

From my own studies over the past few years, it is typically between 5 and 10 big game poaching citations and felonies a year. It is not really an issue or a big problem. If we need to increase the penalty because there is a problem in the field with some huge poaching issue, fine. Obviously, the current statutes are working extremely well, and there are hardly any instances of people getting caught. The number of documented poaches is very minimal. I think we should amend section 1 of the bill out. It is unnecessary. I agree with section 2, and if we want to do that, we should have the Commission look at that.

Assemblyman Bobzien:

I would take a different view on this. I think the history showing the decline of poaching matches up quite nicely with the steady fee increases. In my mind, it is a demonstration that this approach is very preventative when it comes to abuse of our public wildlife resource. If you will accept a motion, I will move to do pass as the bill is written.

Chair Carlton:

I will entertain a motion.

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS
SENATE BILL 102 (1st REPRINT).

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

Assemblyman Hansen:

In response to my colleague's comments, if you look at the last 30 years, you will see the numbers have been consistently low. When we made it a felony last session, we already had the decline that he mentioned. It has been absolutely flatlined for at least 30 years.

Chair Carlton:

I will be supporting it. I believe the hammer has to be just as heavy as the incentive on the other side. I believe that case was made for us, and we do not typically allow commissions to set such huge penalties. We bring that to the Legislature and make it a public policy issue. With that, are there any other comments? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND HANSEN
VOTED NO.)

We will move on to Senate Bill 223 (1st Reprint).

Senate Bill 223 (1st Reprint): Revises provisions relating to cruelty to animals.
(BDR 50-760)

Chair Carlton:

Senate Bill 223 (R1) revises provisions relating to cruelty to animals. There are some proposed amendments to this bill ([Exhibit I](#)). If we could go ahead and have Mr. Stephenson deal with this.

Randy Stephenson, Committee Counsel:

During the hearing, I believe Senator Breeden offered an amendment concerning section 1, the reporting requirements. This particular section is modeled after the reporting requirements for elder abuse and abuse of vulnerable persons. In subsection 3, Senator Breeden specifically wanted to change the "except pursuant to a criminal prosecution." She wanted to expand it to "except for the purposes of a criminal investigation or prosecution." The amendment allows a significantly larger number of opportunities for the release of what is otherwise confidential information without threat of criminal prosecution. Other than that, I believe there were no other amendments offered for the bill.

Assemblyman Livermore:

We had testimony about this that talked about certain qualifications and classifications of animals, for example, ranching and rodeo. I quickly looked in here to see if it included that exception because I think in section 1, subsection 1, where it speaks to, ". . . subjected to an act of cruelty in violation of NRS 574.100 may report the act of cruelty to any" I want to make sure that in the field of growing and producing animals for human consumption it does not reflect an opportunity to have somebody in that occupation fined or arrested.

Chair Carlton:

I think I can address your concerns. If I cannot, I will ask for legal backup. The purpose behind the bill was to deal with the situation of "willfully and maliciously." Do you remember the standards of "willfully and maliciously?" If it does not meet that standard, it would not apply. I believe testimony indicated the issues you brought up would not apply. This is a very high standard. If we are talking about branding, separating out calves from the moms, et cetera, that would not apply. That is not what this bill is aimed at. Did I answer your question?

Assemblyman Livermore:

There has also been an attempt by an organization, but I do not remember the name, regarding . . .

Chair Carlton:

Is this about the rodeo issue?

Assemblyman Livermore:

No. There were other concerns about food stores that sold Kentucky Fried Chicken (KFC).

Chair Carlton:

I do not think a chicken that makes its way to KFC is willfully and maliciously treated. I am sure that is not the intent of this legislation. I will have Mr. Stephenson step in here. I understand your concerns. When some folks looked at this, they thought it was way too broad, and I believe all of those issues were dealt with.

Randy Stephenson:

Those are very good questions. I think what everyone needs to understand is that there is the general prohibition against committing cruelty to animals that is set forth as you see in section 4 of bill and in *Nevada Revised Statutes* (NRS) 574.100. There is a general section later on in the chapter that addresses exemptions from committing any of those acts. You will find those in NRS 574.200. Speaking to your fried chicken example, the provisions of NRS Chapter 574 do not interfere with the right to kill all animals and fowl used for food. There is a very specific exemption in there for using animals for food. That has been in the law since approximately 1873. It is a very old law. As far as agricultural use and ranching, there is a general exemption for practices of animal husbandry. You can brand cattle and things like that. Those are generally not considered cruelty to animals.

Assemblyman Livermore:

You can neuter animals?

Randy Stephenson:

Yes, castration is a traditional agricultural practice.

Chair Carlton:

We are going too far afield.

Assemblyman Ellison:

Under section 4, subsection 5, paragraph (b), line 42, I thought that was going to be removed or taken down. Has there been an amendment to consider that?

Randy Stephenson:

No, I am not aware of any amendment that addresses that language.

Chair Carlton:

We did not receive a proposed amendment on that, as far as I know.

Assemblyman Ellison:

I thought we talked about that during the hearing. That was my concern.

Assemblyman Hansen:

I have done a lot of homework on this one. If you remember Mendy Elliott, I spoke to her husband, who is a district court judge, and I talked to one other district court judge. I talked to justices of the peace, and I contacted the Washoe County District Attorney's Office to see if a felony is really justified in these kinds of cases. All four judges felt that no was the answer. The District Attorney's Office said that while the office does not condone animal cruelty, with budget cuts, it would be difficult to process more felony cases.

Chair Carlton:

What are you quoting from?

Assemblyman Hansen:

I am quoting a letter from Richard Gammick to my office.

Chair Carlton:

Did you make that part of the record for today? I do not have a copy of it, and do not believe it is appropriate to read from it without the other members having a copy of it.

Assemblyman Hansen:

I will summarize. Right now, under the existing misdemeanor statutes, you can put somebody in jail for up to six months and fine him \$1,000. That is not being done. Even though we are going to expand it to a felony, the judges are not going to start enforcing it simply because we changed it to a felony. Although those things we saw were horrible, our judges, district attorneys, public defenders, and so forth are dealing with horrible crimes every day involving human beings. They already have limited staff and jail or prison space. Even though these are horrendous things, in the scheme of things, these incidents do not rise to the same level as abuse of human beings. Therefore, they felt the current penalties are more than adequate.

Chair Carlton:

I hate to stop you, but you are speaking for other people who are not present to present their points of view. I do not believe they provided testimony to the Committee. They have not shared that letter with the rest of the Committee,

and there is no way for me to substantiate this right now. You have put the Committee in a very awkward position of speaking for someone for whom we do not know the actual opinion since we have no backup documentation.

Assemblyman Hansen:

Fair enough. On the Assembly Committee on Judiciary, we have been working to find ways to reduce the number of felonies because of the overabundance of people in our prison system and the cost to the state. I think that is something we should look at.

One of the things about animals that make them significantly different from human beings in our legal system; animals are considered property. Because of that, you are able to castrate or remove their ovaries, brand, dock tails, et cetera. You are able to buy and sell animals as well. The judges were a little concerned that we are raising the bar here to where animals are getting very close to being put on a legal par with human beings. That is my objection to the bill. I will vote no. I certainly do not condone animal cruelty, but when we still have statutes involving battery as misdemeanors, we should not have this raising animal cruelty to a felony.

Chair Carlton:

If the letter can be provided to me, we can document it so the record is absolutely, unequivocally correct.

Assemblywoman Pierce:

When I first read about this bill when it was on the Senate side, I had some concern about the level of punishment. In hearing the testimony, my thinking process is that I love animals. To my understanding, Nevada is No. 1 in women who get murdered by men. We have a domestic violence problem in this state. I listened to testimony, and I was swayed that this is part of a continuum. If there is violence towards animals in the house, there is probably violence towards the other people in the house. Any way you can intervene in a household like that is a good thing and is saving lives. It is also saving people and pets from living in terrible circumstances. That is what brought me to the point of supporting this.

Assemblyman Kite:

When this bill first came forward, I was absolutely against it. In reading it, I found out I did not have a better answer than what was issued here. I still do not particularly like the bill. I will support it simply because of section 4, subsection 1, paragraph (a). I believe the legislative intent is to stop, "Torture or unjustifiably maim, mutilate or kill: (1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or (2) Any cat or

dog" It goes on to say, in the unamended language, ". . . overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal" As much as I dislike the bill, I cannot condone that kind of treatment of an animal. I do not think it gets into discipline. It is very clear what the intent is and what the bill is meant to stop. I am going to vote yes on it, but I still do not like the bill. If I could have come up with a better alternative, or if I could get past the fact that someone would do that to an animal I am going to have to support it.

Assemblyman Anderson:

I also wanted to reference the line that Assemblyman Kite talked about. I think it is very clear. When you are talking ranching or eating, as my colleague from Carson City mentioned with KFC, I think it is justifiable to fill your stomach if you have to survive. When you are running a business or ranching, there are things that have to be done. We have a rich tradition of ranching in our state. I think that will be pretty clear about what is justifiable in the ranching community.

I would also like to say that what we saw in that video, if that were done to a human being, it would be attempted murder. The stuff that we saw in that video, if you did that to a human being, he would die, and one would be charged with attempted murder. If I am correct Mr. Stephenson, that is a much higher penalty than the category D felony. I do not have any concerns along that regard either. As Assemblyman Kite said, I just cannot condone what I saw on that video screen. With that, if it would please the Chair, I would move do pass as amended.

Chair Carlton:

I have a motion from Assemblyman Anderson.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS
SENATE BILL 223 (1st REPRINT).

ASSEMBLYMAN KITE SECONDED THE MOTION.

Chair Carlton:

I just want to clarify Assemblyman Hansen's concerns about the felonies. We did a brief outreach to find out how this was dealt with in other states ([Exhibit J](#)). Alabama lists this as a class C felony; Arizona has this as a class 6, which is a prison term of up to two years and a fine of up to \$150,000; and Connecticut has this as an unclassified felony with a prison term of up to five years a fine of up to \$5,000. They are all over the board in the other

states. I do not think we are too far afield of how this is being treated across the country.

Assemblyman Ellison:

I am a large animal lover. I used to run a large number of cows and 30 to 40 head of horses. I love dogs and cats. I never walked out and shot an animal. Our veterinary bills were more than some of my house payments. When I look at page 5 and see the category C felony and then read ahead on page 6, line 23, it says that "within the immediately preceding 7 years" on the third offense, it is a category C felony. It is kind of contradicting what page 5 says in the new language. I am an animal lover and support animal rights, but I do not support this bill.

Chair Carlton:

Mr. Stephenson, the question that Assemblyman Ellison had, I believe the second part of the statement is existing law, so we are not impacting that. We are only talking about what is on page 5. I just want to make sure that is clear for everyone.

Randy Stephenson:

Yes, and if you will notice on page 5, at the beginning of the new subsection 6, it says, "Except as otherwise provided in subsection 5" You will either be dealing with the willful and malicious felony or be proceeding under the category C felony that you just referenced.

Chair Carlton:

There is no piling on. We just want to make sure that you understand.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND HANSEN
VOTED NO.)

Chair Carlton:

Let us move ahead to Senate Bill 299 (1st Reprint). These are more complicated amendments that were proposed ([Exhibit K](#)). We will walk through them. I believe these amendments have been discussed with different members of the Committee since the hearing by the proponents of the bill.

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

Chair Carlton:

Senate Bill 299 (R1) provides a definition of "breeder" and requires the board of county commissioners in each county and the governing body of each

incorporated city, if their jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, to adopt an ordinance requiring certain commercial breeders of dogs and cats to obtain a breeder permit.

[Continued to read from work session document ([Exhibit K](#)).]

There was some oversight on the full series of vaccinations, and the animal may not be within the breeder's care at that time.

[Continued to read from work session document.]

Am I missing an amendment, or did I cover them all?

Randy Stephenson, Committee Counsel:

I believe that was it.

Chair Carlton:

I believe we dealt with the issues that arose.

Assemblyman Bobzien:

I wanted to clarify the hobby amendment. Personally, I appreciate these amendments and know that I received a lot of communication on this bill. People, by and large, were supportive of the intent. They just wanted to make sure that some of the outside issues were cleared up. Particular to the hobby amendment intent, I want to make sure, for the record, that the following scenario would be taken care of. Let us say that I have a friend that I hunt with, and he has a great bird dog. He decides he wants to have a litter with that dog to get some pups and will sell a couple of those pups. This is not a commercial operation; he is just a guy who has a good dog and wants to make sure the line keeps going. Under this hobby definition, he would be excluded from this.

Chair Carlton:

Assemblyman Kite has said that this is a hobby breeder.

Assemblyman Bobzien:

So, it is not even covered by the hobby amendment. It is not covered by the bill at all. That is perfect.

Randy Stephenson:

Believe it or not, we cannot use a crystal ball to say that all situations are going to be hobby or commercial. Certainly, I would think in that situation, under the

plain meaning of the terms used in this definition, someone would be very hard pressed to say, "Yeah, you are a commercial breeder." There is no commercial establishment. Are you really in a business? No. I would offer that as an answer.

Assemblyman Livermore:

I got more emails on S.B. 299 (R1) than on any taxation bills. This amendment cures my concern about the casual breeder, which is not a commercial as long as an individual has a dog and intends to breed it or the breed came accidentally. That breeder does not fall into the category of having to buy a license and a permit. With the amendment, I feel very secure in saying that I will support this bill.

Assemblyman Kite:

Once again, I am faced with a bill that I started out hating. In the end, I did not like it a whole lot better. The breeder ensuring his dog's line continues is something I did. That is not even hobby breeding, and I lost my shirt.

Let me explain one part of this bill I do not like. I will go along with it because I do not like the puppy mill thing that was described. Seeing a few of them, I did not like them. I cannot go along with that. There are many things in this bill that I do not think a lot of thought went into. I will give you one example from section 9, subsection 2, paragraph (d), "Protect the animal from wind which creates a wind chill below 50 degrees Fahrenheit or for which the National Weather Service has issued a high wind warning" The St. Bernard is a very popular breed, and it loves to be out at zero to ten degrees. I do not think a lot of thought went into certain portions of this.

Again, I want to go back to the legislative intent here. As far as I am concerned, this is not to restrict the good quality, commercial breeders I know are out there. I have been hunting since I was ten years old. You need those kinds of breeders to get the dogs out there. This is for the bad puppy mills. I would like to come back next session to clean this up some because there are some broad brushstrokes in here that should not be in here. I will support it even though I do not like it. I do believe there are many mistakes in here, and there are many statements that do not make sense. If you were here during the winter, you would see a Golden Labrador Retriever or ranch dogs that like nothing better than hanging their heads out the window in 20-degree weather with winds at 40 miles per hour. It gets overprotective and goes too far, and I would like to see it cleaned up. However, as much as I dislike it, if we go by the intent of trying to get rid of the abusive, nasty, and horrible puppy mills, and that is what this is used for, I will go along with it reluctantly.

Chair Carlton:

I do appreciate your remarks. I have had a couple of those bills in my legislative lifetime where you have to weigh the good with the bad. There is a saying in this building that goes, "You do not let perfect be the enemy of the good." If anyone has ever said he has ever passed a perfect piece of legislation, he did not stay around long enough to find out how it did not work. I do understand your concerns, and if concerns do arise about this, I would like them brought to the members of the Committee. If we do need to address something next session on this bill . . . sometimes, it takes two or three times to get things right.

Assemblywoman Bustamante Adams:

I appreciate the comments from Assemblyman Kite. For the record, I will support the bill, but I would appreciate if in the next 18 months, we monitor this issue. I do not like the microchip insertion, and I do not like the restrictions on the 18 months of breeding, the only once a year portion, and the temperature variance. I know that I am going to support this bill but very reluctantly.

Chair Carlton:

I look forward to seeing a bill with Assemblyman Kite's and Assemblywoman Bustamante Adams' names on it next session. I will entertain a motion.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
SENATE BILL 299 (1st REPRINT).

ASSEMBLYMAN LIVERMORE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, GOEDHART,
AND HANSEN VOTED NO.)

[[Exhibit L](#), [Exhibit M](#), and [Exhibit N](#) were entered into the record.]

Chair Carlton:

We will now move to Senator Settlemeyer's bill and open the hearing on Senate Bill 309.

Senate Bill 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)

Chair Carlton:

Senator Settlemeyer had proposed an amendment that is attached to the work session document ([Exhibit O](#)) so that the bill would apply only to livestock. The concern I had was the word "animal": we could end up impacting the dog and cat hotels and boarding. We do not know what provisions they have. There is an abandoned animal provision that veterinarians comply with. Rather than making this too broad and possibly causing some problems with someone who did not participate in the discussions and may not have realized this issue was out there because we did talk about cows and horses an awful lot, we are going to make it apply to the term "livestock." The definition of the term "livestock" for this piece of legislation will be, "All cattle or animals of the bovine species"

[Continued to read from work session document.]

The Chair has proposed a second amendment that is attached. This would be the exclusive remedy for this. If you chose to go this way, this would be the remedy, and you would not get a second bite at the apple and go to court afterwards. The discussion was not having to go to court and being able to do this. I had some concerns about the double bite at the apple. Those are the two proposed amendments.

Assemblyman Kite:

For clarification, does that mean one or the other, or only this one?

Chair Carlton:

I will have Mr. Stephenson answer that. My intention was to choose one or the other. Your contract allows you to go to court. This is a statutory authority to recoup on the other side.

Assemblyman Kite:

I just wanted to make sure it was one or the other.

Chair Carlton:

That would be my impression, and that was my intent. We will have the Legal Division put that on the record.

Randy Stephenson, Committee Counsel:

If the amendment is adopted, the idea behind it is that it would say the remedies in this section of the bill are the exclusive remedies. They are not cumulative, so that would give the person simply the statutory remedies. That would be the idea.

Chair Carlton:

They would still maintain their contractual remedy. If they chose not to do this, they could go after them in court through their contract.

Randy Stephenson:

No. It would exclude their normal contract remedies.

Chair Carlton:

That was not the intent. The intent was to be able to say, "I have a contract, and this person violated the contract. If I want to take him to court on the contractual issue, I still have that opportunity. If I choose to take this remedy, it will be this remedy, and I will not be able to go back to the second bite of the apple." Is there a possibility of putting our intent in there? I apologize if I did not make myself clear.

Randy Stephenson:

Okay. Yes, I believe we could. The alternative would be to affirmatively state that the remedies are cumulative. That would ensure that a court would interpret it as, "Yes, you can sue for your contract remedies, or you can proceed under the statute."

Chair Carlton:

But you could not do both?

Randy Stephenson:

We could do it that way, or we could do it so you could do both. I think we could write some language if you wanted to do it that way where if you proceed under the statute, your contract remedies are no longer available to you, or you can proceed with your contract remedies first.

Chair Carlton:

That was my intent. I will go back to Assemblyman Kite so we are on the same page.

Assemblyman Ellison:

If I buy a car, and I default, the bank can sell that car. They can still come back and sue me for that deal. It is the same as a house. If I default on a mortgage, the bank is going to have a public auction and sue me for the remaining amount owed. Is that correct? That is the law of the land. I do not see this any different from that. If I have a contract with somebody, and they default and I can only get \$100 out of a \$1,000 bill, I should have a way to go back and recoup my money. Is that not correct? That is what the original intent of the bill was.

Chair Carlton:

That is why this is an amendment.

Assemblyman Ellison:

The amendment says I can do either one or the other, but not both. Is that correct?

Randy Stephenson:

I believe the amendment, as we are presently discussing it, you could go after your contract remedies or proceed under the statute. Once you do one, you cannot do the other. I think that was the idea.

Chair Carlton:

That was the Chair's intent.

Assemblyman Ellison:

They do not do that on houses, cars, and everything else. They do not know what they are going to get.

Randy Stephenson:

That is a very good observation. Without getting into too much detail, the idea with this sort of amendment is that you will find numerous, similar provisions in the *Nevada Revised Statutes* (NRS). One I can think of is industrial insurance. Basically, the idea is that once you proceed to try to obtain any remedies under a statute, you are excluded. It is put right into the statute. If that language were not there, you are right, and it would be up to the court to determine whether your remedies are cumulative or exclusive. In the scenario you raised, and I am just speaking off the top of my head, the bank will go after you. If you default on a note, they will go after you. Likewise, there are probably no governing statutory provisions that say, "Hey, the statutory remedies are your exclusive remedies." This is unlike the workers' compensation statutes. I am trying to not get into too much detail.

Chair Carlton:

I think we have all got an idea of where we all are, whether we agree or not. At least we know the discussion points that are on the table.

Assemblyman Hansen:

Without the amendment, if I have a horse and \$1,000 owed to me, I can take that horse and sell it for \$500. Can I, for the additional \$500 and go to small claims court?

Assemblyman Ellison:

[off-microphone] Not under the amendment.

Chair Carlton:

That was the Chair's attempt at not allowing a double bite at the apple.

Assemblyman Hansen:

Why would we not allow a double bite at the apple if you could not get the full amount through one of the recourses in the bill?

Chair Carlton:

Because you have a choice between either going after it under your contractual agreement with the person or using this bill. I saw it as an issue of fairness. Currently, you can go after them contractually. The statement from Senator Settelmeyer was that they did not want to have to go to court if they wanted to be able to take this avenue. If that is true, why would we give them the opportunity to do both? I do understand the concerns of Assemblyman Ellison and some of the other concerns that were brought up. If this is a proposed remedy, I believe you weigh your options and decide whether you go after them contractually or statutorily. You cannot go after them with both barrels. It was an issue of fairness for me. That is why I proposed the amendment.

Assemblyman Hansen:

It would seem unfair to me to allow only one and not get a full compensation for whatever you are owed. If I had an animal, and it was \$500 for the animal and I am still owed \$500, I do not see why we would want to restrict anybody from having a reasonable opportunity to go to a small claims hearing to collect the balance.

Chair Carlton:

He can if he chooses that avenue. It depends on what path is chosen. He gets the choice at the beginning what path to choose. We are not taking away anything. We are just saying that if you choose the path, this is the one you need to choose.

Assemblyman Hansen:

We are taking away two paths possibly, right? You want to limit to a single path only.

Chair Carlton:

Once you choose. You still have both paths, but you must choose one, and that is the one you have. You cannot switch later and go back to the other one. If you are not going to court, you are not going to court.

Assemblyman Goedhart:

It was my opinion that the reason why the bill sponsor brought this forward was that if one had to go to court, it could take months before receiving a court date and getting everything resolved. In the meantime, he is continuing to feed this animal and take care of this animal. If you have option one under this bill, you are allowed to go ahead and do your 30-day letter and 14-day notice to sell the animal. I do not think it was the author's intent to preclude a person from going to court to recoup the rest of the money that is owed.

Chair Carlton:

It was not Senator Settelmeyer's intent, but it was the Chair's intent.

Assemblyman Goedhart:

I did not realize that was your intent.

Chair Carlton:

I am sure the sponsor does not agree with me on this. I will be honest with you. I felt it was a discussion point we needed to have because they currently have a contractual remedy to this. We are adding a statutory remedy to it. In other provisions of law, we ask the person who is going to decide how he wants to remedy the situation by choosing which path to go down.

With that, we have had the discussion, and we kind of understand where we are. If the Committee would be more comfortable taking the two amendments separately, the Chair would be happy to do that. Do I have a motion on the first amendment proposed by Senator Settelmeyer on the limiting of the animals?

ASSEMBLYMAN BOBZIEN MOVED TO AMEND WITH
SENATOR SETTELMEYER'S AMENDMENT AND DO PASS
SENATE BILL 309.

ASSEMBLYMAN HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Do I have a motion for the second amendment proposed by the Chair?

ASSEMBLYMAN BOBZIEN MOVED TO AMEND WITH ASSEMBLYWOMAN CARLTON'S AMENDMENT AND DO PASS SENATE BILL 309.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BUSTAMANTE ADAMS, ELLISON, GOEDHART, HANSEN, KITE, AND LIVERMORE VOTED NO.)

Chair Carlton:

We now have the two amendments on the bill. We are now done with this bill.

We will open the hearing on Senate Bill 417.

Senate Bill 417: Provides for the placement of recycling containers in certain locations. (BDR 40-1108)

Chair Carlton:

There were no amendments offered. There were some questions we wanted to have answered for Assemblyman Livermore. That was the private hauler question. In response to that, Nevada's Division of Environmental Protection (NDEP) indicated that "under the existing language, apartment complexes and condominiums that are not included in a franchise agreement with a municipality and are allowed to haul their own trash would not be subject to these provisions." They are exempted from these provisions.

[Continued to read from work session document ([Exhibit P](#)).]

I know there was a lot of confusion about that because it was not specified in the bill. The citations that are in the bill apply to counties of 100,000 or more. Those two questions being answered, I do not believe there were any other questions brought to the Chair to make sure we got them on the record for the Committee. We will open it up for discussion.

Assemblyman Kite:

I was a little bit confused on whether counties under 100,000 were exempt from the bill or just exempt from the private hauler apartment building location. Could you clarify that really quickly, please?

Chair Carlton:

They are exempt from the bill. Those are two different issues.

Assemblyman Ellison:

Thank you for the clarification. What about the complexes that have no facility to take another dumpster? Are they going to be forced into trying to build one?

Chair Carlton:

I believe Senator Manendo's response to those concerns brought up at the Committee hearing were that he would view this as a replacement dumpster. If they were using two just for straight haul, one of them would be converted to single-stream recycling so the two would still fit within the same sizes. I think once you take out the private haulers who are working with a lot of the smaller complexes, and then you deal with counties of 100,000 or more, I do not believe we are going to have the impact on the small apartment complexes that might have been originally in this bill.

Assemblyman Hansen:

I am going to oppose the bill only because I think we are getting involved in something that should be handled exclusively by the private sector. I do not think we have the right to tell apartment complexes, condominiums, and places like that they must have a secondary garbage system. It is going to cause some big headaches. Also, it is highly unlikely that they will be able to force their tenants to throw the correct garbage in the correct bins. I think this is opening up more cans of trouble than it will solve. I certainly support recycling. When you start forcing businesses to do these things rather than letting the free market determine the need for these sorts of things, I think we cross a line.

Assemblyman Livermore:

What about municipalities that already have a contracted recycling program by municipal ordinance? I do not see anything in here.

Chair Carlton:

Assemblyman Livermore, I do not understand your question.

Assemblyman Livermore:

Is this going to supersede a municipal ordinance for a recycling program that has been approved and is under operation?

Assemblywoman Pierce:

In Las Vegas, we have recycling. We all get bins. If you live in an apartment complex, there are generally no recycling bins. You must make your own trips. I know a lot of people living in apartments who would like to be able to leave recyclables where they put their regular garbage. Generally, apartment complexes do not make that possible.

Assemblyman Livermore:

I appreciate that. Can we address that?

Chair Carlton:

We will have Mr. Stephenson jump in and do the other part.

Assemblyman Livermore:

We better address it at the municipal level rather than at the legislative level. Do you follow me?

Chair Carlton:

I understand, and sometimes we must inspire people. That is what the Legislature is all about.

Randy Stephenson, Committee Counsel:

That is another good question. I think what your concern deals with is already addressed in the law but not necessarily in this bill. The section everyone needs to be looking at is the next section in the *Nevada Revised Statutes* (NRS), which is NRS 444A.040. This is existing law. Municipalities are authorized, and they may have one of these programs available in the city. I have no idea how many municipalities have made use of the program. It is already in statute. In that same section, it is the State Environmental Commission that is simply adopting the minimum standards. A municipality can adopt other standards, but it cannot conflict with the State Environmental Commission standards.

Assemblyman Anderson:

I want to go on record to support this bill. I live in a condo complex. This is not even mandating it. The way I read the bill, it is saying, "Hey, adopt these regulations." If people want to do it, they can. I think it would be more helpful if it was stronger, but it is not. I will be happy to support this because it is something that will get things ready if people want to do that. I hope that is where we start moving this. We have a limited amount of minerals on the earth to do things, and we must make sure we are not losing them. We have to recycle. I think this will move us in the right way.

Assemblyman Hansen:

Is this mandatory or permissive? I thought it was mandatory.

Randy Stephenson:

If you look in section 1, you are correct Assemblyman Hansen. It says, "The State Environmental Commission shall adopt regulations establishing minimum standards for"

Assemblyman Anderson:

To clarify, this is not saying that people have to do recycling.

Chair Carlton:

You meant the citizens who live in apartment complexes are not required to recycle, but there will be recycling available for them.

Assemblyman Anderson:

This is saying you shall make the regulations, but it is not saying apartment and condominium complexes have to recycle.

Chair Carlton:

Let us stop now. We are getting way too far afield.

Assemblyman Hansen:

Is this going to require trash companies to make double the number of trips to each apartment complex with one to pick up standard trash and one to pick up the recyclable trash? Is that going to double the amount of fuels being used and traffic in the apartment complexes?

Chair Carlton:

That is what goes on in front of my house every odd-numbered Tuesday or Thursday. I do not see the difference there.

Assemblywoman Pierce:

This is not going to increase anything. As far as the free market is concerned, it is important to remember that in Clark County, the people who pick up the garbage have a monopoly. There is one contract entered into by the county commission. There is no competition. There is no way to inject the free market into this situation. There is not any.

Chair Carlton:

And recyclables do have a value to them. When they bundle them and resell them, there is a profit motive on that side of the equation also.

Assemblyman Ellison:

One of the things that was brought up during that discussion was that the only way they could financially make this thing work is that if this law went in because there was no way they could run a truck during these separate times to do this. My problem is that for the existing structures out there that do not have the room to do this, it is going to put an undue burden on some of these older complexes. It is not that they cannot in the new facilities because the

new facilities could be built to handle these. I am only talking about the older complexes.

Chair Carlton:

No amendments were offered. We have a motion from Assemblyman Bobzien.

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS
SENATE BILL 417.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

Assemblyman Bobzien:

I think it is important to note that a lot of conversations we had in the hearings and also today in the work session are about implementation concerns. It is always good to set that record because when the State Environmental Commission and NDEP have to get down to doing the regulations and establishing the minimum standards, that is the Legislature giving them direction for how they should do that. We hope they have a little common sense when they put this together. We will have another bite of the apple when the regulations come back through the Legislative Commission. All of us who are concerned about this issue in this bill and how it is implemented will be watching for the regulations that return.

Chair Carlton:

To our freshmen members, last session, a part of this was addressed. This session, another part is being addressed. As we move forward, you will see these issues evolve. You have to be sure to follow your own legislation to make sure it ends up going in the right direction.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, HANSEN,
AND LIVERMORE VOTED NO.)

We will move to the last bill, which is Senate Bill 226 (1st Reprint).

Senate Bill 226 (1st Reprint): Requires the Board of Wildlife Commissioners to adopt certain regulations governing the trapping of fur-bearing mammals in certain counties. (BDR 45-975)

I will be happy to accept a motion from Assemblyman Hansen.

ASSEMBLYMAN HANSEN MOVED TO DO PASS
SENATE BILL 226 (1ST REPRINT).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

I think everyone worked very hard to come up with some really good compromises on a very important issue that deals with public safety in our state. I want to congratulate all of them for sitting at the table and working on this issue.

THE MOTION PASSED UNANIMOUSLY.

[[Exhibit Q](#) was entered into the record.]

[The meeting is recessed at 4:32 p.m. and adjourned at 11:08 a.m. on May 23 in a meeting held behind the bar of the Assembly.]

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Recording Secretary

RESPECTFULLY SUBMITTED:

Julie Kellen
Transcribing Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

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

Date: May 19, 2011

Time of Meeting: 2:39 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 226 (R1)	C	Trish Swain	Written Testimony
S.B. 226 (R1)	D	Trish Swain	Photos of Trap
S.B. 226 (R1)	E	Trish Swain	Photos
S.B. 226 (R1)	F	Trish Swain	Facebook Message
S.B. 226 (R1)	G	Ryan Werner	Written Testimony
S.B. 102 (R1)	H	Assemblywoman Carlton	Work Session Document
S.B. 223 (R1)	I	Assemblywoman Carlton	Work Session Document
S.B. 223 (R1)	J	Assemblywoman Carlton	Examples of Felony Penalties for Certain Acts of Cruelty to Animals
S.B. 299 (R1)	K	Assemblywoman Carlton	Work Session Document
S.B. 299 (R1)	L	Assemblywoman Carlton on behalf of Tony Yarbrough	Email Message
S.B. 299 (R1)	M	Assemblywoman Carlton on behalf of Stacia Newman	Letter of Clarification
S.B. 299 (R1)	N	Assemblywoman Carlton on behalf of Stacia Newman	Letter of Clarification - Puppy Mills
S.B. 309	O	Assemblywoman Carlton	Work Session Document
S.B. 417	P	Assemblywoman Carlton	Work Session Document
S.B. 226 (R1)	Q	Assemblywoman Carlton	Work Session Document