

**MINUTES OF THE  
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-sixth Session  
March 23, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 3:38 p.m. on Wednesday, March 23, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Mark A. Manendo, Chair  
Senator David R. Parks, Vice Chair  
Senator John J. Lee  
Senator Dean A. Rhoads  
Senator Michael Roberson

**GUEST LEGISLATORS PRESENT:**

Senator Shirley Breeden, Clark County Senatorial District No. 5

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Policy Analyst  
Charity Fowler, Counsel  
Sandra Hudgens, Committee Secretary

**OTHERS PRESENT:**

Kyle Davis, Nevada Conservation League  
Wes Henderson, Deputy Director, Nevada Association of Counties  
John Wagner, Independent American Party  
Bjorn (BJ) Selinder, Churchill County; Eureka County; Elko County  
Patti Chipman, Nye County  
Janine Hansen, Nevada Committee for Full Statehood; Nevada Eagle Forum  
Leo M. Drozdoff, P.E., Director, State Department of Conservation and Natural Resources

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Gina Greisen, President, Nevada Voters for Animals  
Karen Layne, Ph.D., President, Las Vegas Valley Humane Society  
David Henderson, D.V.M.  
Margaret G. Flint, Nevada Humane Society  
Stacia Newman, Nevada Political Action for Animals; Compassion Charity of America  
Susan Somers, President, FM marketing LLC  
Erika Greisen, Teens for Animal Protection  
Harold Vosko, President, Heaven Can Wait Animal Society  
John Brislin  
Marlene Richter, Executive Director, The Shade Tree  
Jennifer Nunn  
Holly Stoberski, Vice President, Heaven Can Wait Animal Society  
Jamie Frontz, Ruff Life Ranch  
Patty Smith  
Margo Larson  
Kathleen Denning  
Holly Natwora, Shelter Manager, Society for the Prevention of Cruelty to Animals of Northern Nevada  
Lykira Fuentes, K9 manager, Society for the Prevention of Cruelty to Animals of Northern Nevada  
Geraldine Rueger, Guardians for Animals Nevada  
Asha Anderson  
Mendy Elliott, Board Member, Nevada Humane Society; Partner, Nevada Business Strategies  
Judith Howard, Volunteer, Washoe County Animal Services  
Chuck Callaway, Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department  
Tim Kuzanek, Captain, Governmental Affairs, Washoe County Sheriff's Office  
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation  
Rebecca Gasca, Legislative and Policy Director, American Civil Liberties Union of Nevada  
Tony Yarbrough, Director, Nevada's People for Animal Welfare  
Jolene Hayes, Society For The Prevention of Cruelty To Animals of Northern Nevada  
Fred Slater

CHAIR MANENDO:

Today, we will hear Senate Joint Resolution (S.J.R.) 4.

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[SENATE JOINT RESOLUTION 4](#): Urges Congress to take certain actions concerning federal public lands in Nevada. (BDR R-212)

SENATOR DEAN A. RHOADS (Rural Nevada Senatorial District):  
My testimony has been submitted in written form ([Exhibit C](#)).

KYLE DAVIS (Nevada Conservation League):  
We are in support of this resolution. There should be a system in place for all leases relating to renewable energy so the counties affected receive revenue.

WES HENDERSON (Deputy Director, Nevada Association of Counties):  
The rural counties appreciate the work Senator Rhoads and the Legislative Committee on Public Lands have done to listen to their concerns. The Nevada Association of Counties has adopted a resolution seeking the restoration of the 25 percent county share of geothermal revenue and the expansion of the share of revenue generated by activities on public lands by the State and the counties. We stand firmly in support of S.J.R. 4.

JOHN WAGNER (Independent American Party):  
We support statewide efforts to retrieve more of our land and see more revenue from the use of our land.

BJORN (BJ) SELINDER (Churchill County; Eureka County; Elko County):  
My clients strongly support S.J.R. 4.

PATTI CHIPMAN (Nye County):  
We are thoroughly in support of this resolution.

JANINE HANSEN (Nevada Committee for Full Statehood)  
We support this resolution. Earlier this week, there was a bill that came up in the Assembly that relates to action that Utah has taken. Resolutions are good, but it is time to put some teeth in the resolution because the federal government has been ignoring the continuing pleas by the State Legislature and Senator Rhoads who has led the way on these issues. Utah has passed a bill that allows the state to use the power of eminent domain to take some of the critical resources the federal government has locked up and return them to the state. Utah spearheaded the Action Plan for Public Lands and Education (APPLE) Initiative. They have been willing to take the lead on these issues. If we do not do something more than sending our resolutions to Washington, D.C., we will

continue to be ignored. Assemblyman Ed A. Goedhart's bill relates to alternative energy and access to it. This is a problem in many rural counties. The Utah legislation goes further than Assembly Bill 186. It is time to reconsider our polite resolutions and let the federal government know that our cities, counties, schools and our state economy is suffering under the oppressive hand of the federal government. I favor S.J.R. 4 and I encourage you to do more.

ASSEMBLY BILL 186:. Allows certain real property managed or controlled by the Federal Government to be taken by eminent domain for certain purposes. (BDR 3-373)

CHAIR MANENDO:

There being no other individuals who wish to speak, the hearing is closed on S.J.R. 4.

We will now open the hearing on Senate Joint Resolution 8.

SENATE JOINT RESOLUTION 8: Urges the Federal Government and certain other governmental entities to expedite and streamline the requirements for conducting mining operations in this State. (BDR R-1035)

SENATOR DEAN A. RHOADS (Rural Nevada Senatorial District):

My testimony for S.J.R. 8 has been submitted in written form ([Exhibit D](#)).

CHAIR MANENDO:

We have the mock-up version of the resolution ([Exhibit E](#)). We will not be taking any action on it today, but we will take testimony.

MR. WAGNER:

We support any effort that will help our industries in Nevada. I commend Senator Rhoads for bringing this resolution forward.

MRS. HANSEN:

The resolution states:

... , Complying with those requirements is often burdensome and expensive, sometimes requiring up to 10 years and more than \$1 billion before a mining operation is able to produce any minerals; ...

... , In recent years, the need for developing energy from geothermal, solar, wind and other sources has become increasingly important; and ... To meet that need, the procedure for obtaining permits and rights-of-way and complying with other requirements to develop those sources of energy have recently been expedited and streamlined; ...

We know that with federal Revised Statute 2477, the “feds” are closing many roads. I read a document from the Utah Association of Counties regarding these access issues. They have encouraged their state to appropriate money to challenge the federal government to change these access requirements. Utah is leading the way in this area. They go beyond passing resolutions by issuing meaningful challenges. This is the only way to get things done. We encourage this Legislature to follow Utah’s example and assert our rights to access our public lands. We support this resolution because it can lay the groundwork for that.

LEO M. DROZDOFF, P.E. (Director, State Department of Conservation and Natural Resources):

We support S.J.R. 8 as amended. The State Department of Conservation and Natural Resources has permitting functions and we work with the Bureau of Land Management (BLM), U.S. Department of the Interior, and the U.S. Forest Service, U.S. Department of Agriculture. We are always endeavoring to understand their processes. We are working with the acting state director at BLM to ascertain a baseline of all mining, geothermal and renewable energy projects in progress. The intention is to continue to periodically monitor those projects.

MR. HENDERSON:

We realize the importance of mining to this State and the fact that obtaining mining permits requires an extraordinary amount of time and money. We certainly support S.J.R. 8.

MR. SELINDER:

Mining brings significant revenue to rural Nevada and the State. Churchill, Eureka and Elko Counties support S.J.R. 8 as amended.

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MS. CHIPMAN:

Nye County, home of the largest gold-producing mine in Nevada, supports S.J.R. 8.

CHAIR MANENDO:

There being no other individuals who wish to speak, the hearing is closed on S.J.R. 8.

We will now open the hearing on Senate Bill (S.B.) 223.

SENATE BILL 223: Revises provisions relating to cruelty to animals.  
(BDR 50-760)

SENATOR SHIRLEY A. BREEDEN (Clark County Senatorial District No. 5):

I have cosponsored this bill on behalf of Gina Greisen, the founder of Nevada Voters for Animals. I have submitted my written opening statement ([Exhibit F](#)).

GINA GREISEN (President, Nevada Voters for Animals):

We are in support of S.B. 223.

I have submitted two photographs ([Exhibit G](#)) of a dead dog tied to a post in the desert. That dog died a cruel and slow death by starvation and dehydration in the desert heat.

The idea for this bill came about in 2009 when we were working on amending the Clark County Code as pertains to animals. We were referencing several sections of *Nevada Revised Statutes* (NRS). I was speaking with an animal control officer about penalties for animal cruelty. I noted in NRS 574.107 that there were felony penalties for cruelty to show dogs. In NRS 574.100, the animal cruelty statute, the penalty for cruelty to household pets is only a misdemeanor, the same penalty as stealing a pack of gum or jaywalking.

The pet industry has become a \$45-billion-per-year industry. People value their pets and consider them to be part of their families.

We have added language to the existing statute that would expand the range of penalties so the punishment would fit the crime. The language provides that a willful and malicious act of animal cruelty that results in injury or abuse would be a Category D felony; if the act results in the death of the animal, it would be

a Category C felony. Willful and malicious acts would include cruelly beating or mutilating an animal, hanging an animal from a tree, putting the animal in an oven, letting a dog die by tying it up in the desert, sealing a kitten in a wall with foam or gutting a dog. Law enforcement, in conjunction with animal control officers, would be able to use their discretion in these kinds of cases.

Specific exclusions for accidental injury or death occurring in the normal course of a rodeo or livestock show and accidental injury or death in the normal operation of a ranch are already contained in NRS 574.100, subsection 8. We propose no change in that language.

Show dogs are protected by NRS 574.107. We tried to mirror that language for S.B. 223. We want to protect all animals as we protect show dogs. We have also added a penalty for violation of NRS 574.500 in S.B. 223.

There are links between animal abuse, domestic violence and violent crimes.

SENATOR LEE:

I want to go on the record as saying that I am a softie. If I could have a bumper sticker that said, "I brake for butterflies," I would have one. In this bill I am unclear as to the definition of "animal." Does it include fish? At one time I had tenants who raised white mice which were fed to snakes. I do not know where that fits here. My other question relates to failure to notify. If a veterinarian has suspicion that maybe something happened, is he responsible for reporting that information?

CHAIR MANENDO:

I am sure everyone on this Committee has the same question about the definition of "animal" under this bill

MS. GREISEN:

Animal is anything not human. Under existing statute, I do not see a lot of misdemeanor citations for feeding mice to snakes. That is already an accepted practice. We would prefer to focus on the act of cruelty, not on the kind of animal. No one wants to live next door to someone who mutilates animals for entertainment. The concept of reporting is not addressed in this bill. If you would like to so amend this bill, we could support it.

KAREN LAYNE, Ph.D. (President, Las Vegas Valley Humane Society):

I speak for the Nevada Society for the Prevention of Cruelty to Animals and the Las Vegas Valley Humane Society. Both organizations firmly support S.B. 223. My written testimony has been provided to you ([Exhibit H](#)). I will also show you a videotape of a man beating his dog. This video also includes the audio of the dog screaming.

DAVID HENDERSON, D.V.M.:

I support S.B. 223. I have submitted two pictures of cats ([Exhibit I](#)). The first picture shows a kitten entombed in urethane foam. I was the veterinarian who responded to this case. There were four to six kittens sealed in the wall with the urethane foam. We were unable to save the kitten in the picture so it had to be euthanized. The kitten was literally buried alive and when we arrived was in severe respiratory distress. It had aspirated the foam and was slowly asphyxiating. In my 30 years as a veterinarian, this is the most severe case of malicious and intentional animal cruelty I have seen. We need S.B. 223 to deal with this kind of situation.

MARGARET FLINT (Nevada Humane Society):

Much of what I intend to say will be covered in a PowerPoint presentation. On behalf of Bonney Brown of the Nevada Humane Society, I have submitted her statement exploring the link between animal cruelty and other violence ([Exhibit J](#)).

We do understand that law enforcement has issues with this legislation. For the record:

The Nevada Humane Society is willing to come to the table and work with law enforcement and the sponsors of this bill to come up with some language that works for everybody. We would like to thank Senator Breeden for bringing this bill forward and the Committee for sponsoring this bill.

I have been asked by Beverlee McGrath of the American Society for the Prevention of Cruelty to Animals to read her written statement in support of S.B. 223 ([Exhibit K](#)).



STACIA NEWMAN (Nevada Political Action for Animals; Compassion Charity of America):

We are in full support of S.B. 223. Animal abuse is an epidemic. There should be harsher penalties for this crime. I have investigated cases of animal abuse for over 25 years. They are deliberate and intentional. As a real estate agent, I am aware of animals being left behind in vacated houses. This situation is not unique to houses under foreclosure. Most of these animals have been found dead in garages due to starvation, suffocation, heat prostration or freezing temperature. They have been found locked in cages. They have been found shot to death. They have been found tied to trees and used for target practice with guns and darts. These animals include chinchillas, birds, dogs, mother cats and kittens. They have been left dead or maimed for life. We urge harsh penalties for people who abuse animals.

SUSAN SOMERS (President, FM marketing LLC):

I urge you to support S.B. 223, "Cooney's Law." My husband and I have two children. We have three dogs. They are our family. I am also a small business owner. We provide public relations services to businesses in Las Vegas. As a small business owner, the last two years have been very difficult for me. In 2009, I had to move my business into my home. Every week, clients were cancelling their contracts as they cut back on their expenses. Even though my business was down, I would support any kind of tax increase to make sure my family and I live in a safe community.

ERIKA GREISEN (Teens For Animal Protection):

I am a former member of the Clark County Animal Advisory Committee. I support S.B. 223, "Cooney's Law." We should have tougher penalties for animal cruelty. A willful and malicious act of cruelty should not be just a misdemeanor. Torture and mutilation of an animal is not the same as stealing a pack of chewing gum. Someone who would torture or mutilate an animal has a likelihood of doing the same to humans. Please support S.B. 223.

HAROLD VOSKO (President, Heaven Can Wait Animal Society):

We support S.B. 223.

JOHN BRISLIN:

There is a connection between animal abuse and violent crimes against people. I have submitted a written statement ([Exhibit L](#)). I support S.B. 223 and urge you to pass the bill.

MARLENE RICHTER (Executive Director, The Shade Tree):

The Shade Tree is a shelter for women, children and their pets. Noah's Animal House was opened at The Shade Tree in October 2007 for the exact reason we have been discussing. Family after family came to us seeking shelter from domestic violence and child abuse and they had to leave their pets behind. Many times they returned to their homes to check on the pets and found that the pets had been the object of retaliation by the offending family member for their departure. Today, we have a Chihuahua in residence who was referred to us by a veterinarian. The Chihuahua had been the target of such retaliation and had sustained a broken pelvis and eye damage. He was then placed in the freezer when he cried out in pain. Today, both the dog and the woman are going through a healing process at our facility. We have seen women and their pets beaten with golf clubs, crowbars, bats, hammers, pieces of wood and any weapon you can imagine. We strongly urge your support of S.B. 223 so that a felony penalty can be imposed upon every abuser.

JENNIFER NUNN:

I strongly support S.B. 223. My written testimony has been provided ([Exhibit M](#)).

HOLLY STOBERSKI (Vice President, Heaven Can Wait Animal Society):

We have a roomful of people here to voice their support of S.B. 223. When considering this bill, please do not get sidetracked by arguments that lack merit. There may be some who oppose this bill by saying that if it passes, many accepted practices in farming and rural areas will be subject to felony charges because the public is not familiar with or comfortable with their accepted practices. This is one argument that lacks merit. The purpose of this bill is not to interfere with common livestock and farming practices in rural areas. Animal control agents, district attorney offices and police departments would still have discretion in cases of intentional illegal acts. Dehorning and branding of livestock are not the subjects of this bill. These acts are not even misdemeanors under current law. Under NRS 574.100, one must be found guilty of intentionally and maliciously killing or maiming an animal before one is charged with a felony (sic). Anyone who testifies against S.B. 223 should be asked why killing two animals is required before one can be charged with a felony. Why is not the killing of the first animal getting the same punishment as the killing of a show animal? If animal control agents arrive at a home and find 20 dog carcasses mutilated in the backyard, they should have the discretion to call the police and notify the district attorney to start an investigation.

Nevada should not top the list of states considered safe havens for those who practice cruelty to animals. Nearly 90 percent of states have passed similar statutes making intentional and malicious treatment of animals a felony. I have been told by members of the district attorney's office that they need laws on the books in order for them to prosecute animal cruelty.

You have heard there are a significant number of studies that link animal cruelty to violent crime. There is no reason why intentionally putting an axe through a dog's head should receive the same penalty as a shop owner who forgets to post his business license. The focus of this bill is on the intentional, malicious and wanton killing or maiming of an animal. This is already a law with respect to show animals. The time to act to make the same penalties apply to all animals is now. I urge you to pass S.B. 223.

CHAIR MANENDO:

Ranching and agriculture are exempt under NRS 574.200. Feeding mice to snakes is also exempted under subsection 3 of that section.

JAMIE FRONTZ (Ruff Life Ranch):

I own a horse boarding facility and ranch in the Mt. Charleston area. I strongly support S.B. 223, and I urge you to pass it.

PATTY SMITH:

I read Cooney's story and found it unbelievable there was nothing that could legally be done to punish her abuser. There needs to be a law in place to protect families and their pets. My teenaged son, who is adopted, had been the victim of domestic violence at a very young age. He witnessed a family cat being killed. We both urge you to pass S.B. 223.

MARGO LARSON:

I am an off-duty animal control officer from Washoe County.

KATHLEEN DENNING:

I am an off-duty animal control officer from Washoe County.

MS. LARSON:

Kathleen Denning and I have a PowerPoint presentation for you and have supplied you with a printed copy of it ([Exhibit N](#)). This bill will not be a financial burden. Passage of this bill will lessen the occurrence of the crime of animal

cruelty. From my experience in Washoe County, we have an average of approximately three to five heinous acts of animal cruelty per year.

We are here to support S.B. 223. We have called this bill, "Cooney's Law" after a dog named "Cooney," whose picture you see on page 1, [Exhibit N](#).

MS. DENNING:

Cooney's case was the straw that broke the camel's back for us. It angered and saddened us into action.

MS. LARSON:

Cooney was a pit bull and beagle mix. She was three years old and lived in a "tent city" on Record Street in Reno. I often had to gather Cooney from the railroad tracks and return her to her owner in the tent city. At one point, I decided to bring Cooney to the animal shelter and attempt to adopt her out to a family that would take better care of her. The owner was able to reclaim her and took her back to the tent city, because dogs are considered property, and at that time Cooney was still in good health. This happened many times.

MS. DENNING:

On October 7, 2010, at 9:15 p.m., I received a call for service from the Reno Police Department for assistance in removing a dead dog from the roadway. Upon my arrival, I saw that this was no ordinary dead animal. She had been brutally murdered. Her owner had pinned her down in the bathtub of a Reno motel and gutted her alive with a box cutter. He let her crawl around that room with her intestines hanging out and he squeezed her in an attempt to remove a rodent that he thought had crawled into her anus. Upon my arrival at the scene, I witnessed Cooney in a plastic garbage bag in the back of the owner's van. The owner had been detained on the scene. He had been bitten several times. The dog was delivered like a piece of garbage to SPCA Director Holly Natwora along with her owner. Her owner then recounted in great detail and in a very calm voice, without remorse, what he had done to his dog.

MS. LARSON:

Raymond Rios was Cooney's owner and killer. The police questioned him and released him. He was able to drive away as if nothing happened. Ms. Denning was very persistent and able to get a warrant for his arrest. He was charged with misdemeanor animal cruelty to which he pled guilty. He received a 180-day suspended sentence with credit for time served. He was ordered not to own a

dog for two years. He can still own any other type of animal. He currently lives two blocks from the SPCA, which is like a child predator living near a school. In two years he can get another dog. Another victim was a dog named Marilyn.

MS. DENNING:

We will show you a video in which you see Marilyn on a leash held by the subject. He throws her forcefully on the ground and drags her along the ground as he runs across the cement walkway and the landscaping and up the stairs. Finally he picks her up. You see him kicking her while she is on the patio on the second floor. He picks her up and throws her. He kicks her multiple times. He hits her and throws her against the wall.

CHAIR MANENDO:

From where did that video come?

MS. DENNING:

The video came from a complainant who called our office. Within two weeks of this video, the dog mysteriously died.

Marilyn's abuser, Cody Panzer, is only 21 years old. He abused the dog to control his girlfriend who was a victim of domestic violence.

MS. LARSON:

He was charged with misdemeanor animal cruelty to which he pled guilty. He received a 30-day suspended sentence and no jail time. He was assigned 100 hours of community service and ordered to attend anger management level 1 classes. He can still own a dog.

CHAIR MANENDO:

Was the girlfriend charged with anything?

MS. LARSON:

She was not charged. Our third case is Emma, a five and one-half-month-old golden retriever. The owner brought her to the veterinarian because she was starting to smell.

MS. DENNING:

As you can see from the pictures, there was a dog collar severely imbedded in Emma's neck. The veterinarian's report stated that the collar had never been properly adjusted since Emma was approximately eight weeks old.

MS. LARSON:

The owner stated that the only reason he knew something was wrong was because his other dog started licking Emma's neck. The dog owner signed Emma over to the veterinarian for euthanasia. Luckily, for Emma's sake, Ms. Denning arrived before that could happen. She worked with the veterinarian and had him operate several times to save Emma's life. The veterinarian's technician has since given Emma a good home.

The perpetrator of this crime was charged with misdemeanor animal cruelty to which he pled guilty. He was given 64 hours of community service and no fine.

MS. DENNING:

His wife owned a child day-care service in their home.

According to a Massachusetts SPCA study, 70 percent of animal abusers had committed one other criminal offense. Forty percent of animal abusers go on to commit violent crimes against people.

MS. LARSON:

The link between animal abuse and domestic violence is found in the fact that 85.4 percent of women and 63 percent of children entering shelters talked about instances of pet abuse in their family.

MS. DENNING:

Pet abusers equal people abusers. Forty-six states have aggravated or intentional animal cruelty statutes. Forty-one states make aggravated or intentional animal cruelty a felony on the first offense.

MS. LARSON:

In Nevada, first offense felony animal cruelty, NRS 574.070, includes dog fighting, mistreatment of a police animal, mistreatment of dogs used for certain events such as show dogs, poisoning or attempted poisoning of horses, mules or domestic cattle (sic).

MS. DENNING:

If Cooney had been a show dog, Raymond Rios would be in jail.

MS. LARSON:

Are show dogs, mules or horses greater than your dog?

MS. DENNING:

Federal Bureau of Investigation (FBI) statistics from 2006 indicate that states that have more well-defined and active enforcement of their animal cruelty laws have lower overall crime rates.

MS. LARSON:

Stronger animal cruelty laws equal less overall crime.

MS. DENNING:

According to the FBI, since the 1970s, they routinely use animal cruelty as a profiling tool to identify violent offenders. Jeffrey Dahmer loved to dissect dogs and cats. He murdered and dissected 17 men.

MS. LARSON:

Richard Trenton Chase, AKA the "Vampire Killer of Sacramento," loved to bite the heads off birds, drain animals for their blood and killed animals for their organs. He killed six people in random attacks.

MS. DENNING:

Theodore Robert Bundy, AKA Ted Bundy, was forced to witness animal cruelty committed by his grandfather. He killed 33 women.

MS. LARSON:

Richard Allen Davis loved to set cats on fire and killed all of Polly Klaas's animals before he abducted and killed her. She was 12 years old.

MS. DENNING:

If these people had been locked up for animal abuse, maybe their victims would never have become victims.

MS. LARSON:

People who mutilate, injure or kill animals are repeat offenders against animals, abuse women and children and move on to more violent crimes. They should be held accountable. Felonies put them on the law-enforcement radar.

MS. DENNING:

As the law is now written, people can mutilate and kill their animal, or yours, and essentially get a traffic ticket.

MS. LARSON:

We urge you to support S.B. 223 to make anyone who willfully and maliciously mutilates, injures or kills an animal guilty of a first-offense felony.

HOLLY NATWORA (Shelter Manager, Society for the Prevention of Cruelty to Animals of Northern Nevada):

My written testimony has been submitted ([Exhibit O](#)).

LYKIRA FUENTES (K9 manager, Society for the Prevention of Cruelty to Animals of Northern Nevada):

My written testimony has been submitted ([Exhibit P](#)).

GERALDINE RUEGER (Guardians for Animals Nevada):

Animals and children share a natural bond of vulnerability and innocence. Animals do not ask for much: food, water, veterinary care, safe environment and companionship. In return they give us unconditional love and friendship. They teach us about responsibility, loyalty and empathy. Any betrayal of this trust by torturing an animal is incomprehensible. The man who willfully, maliciously and slowly tortured Cooney to death with a box cutter was only charged with a misdemeanor and a small bail bond fee. He is free to commit more abuses to animals. Knowing there is a link between violence and abuse of animals, he is also dangerous to people. The punishment did not fit the crime. Under S.B. 223, we can consider such a crime willful and malicious. We can weed out these potential future psychopaths. It will protect animals and humans. St. Francis of Assisi said, "If you have men who will exclude any of God's creatures from the shelter of compassion and pity, you will have men who will deal likewise with their fellow men."

ASHA ANDERSON:

I have submitted written testimony ([Exhibit O](#)) in support of S.B. 223.



CHAIR MANENDO:

When I think about what has happened in Japan since the recent earthquake, I think about people trying to save their family members and their pets. It is amazing what we do to each other and our animal best friends in America.

MENDY ELLIOTT (Board Member, Nevada Humane Society; Partner, Nevada Business Strategies):

I concur with Margaret Flint's testimony. We are anxious to see this bill passed and want to work with law enforcement and the sponsor of this bill, perhaps in a work session. We support S.B. 223.

JUDITH HOWARD (Volunteer, Washoe County Animal Services):  
I support S.B. 223.

CHUCK CALLAWAY (Police Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department):

We understand that cruelty to animals is repulsive. We appreciate the passion shown by the proponents of this bill. We are not opposed to language to address extreme situations like the ones you have heard about today. However, the bill in its current form is broad and would have a significant fiscal impact upon our agency. Our agency, like so many other agencies, has been asked to do more with less. We have approximately 70 vacant commissioned positions that cannot be filled. We have had to decrease our operational expenditures by nearly \$36 million. In Clark County, animal control officers handle most calls involving animals. They can handle only misdemeanor complaints. The Las Vegas Metropolitan Police Department (Metro) must handle all felony complaints and calls. According to animal control statistics, they received approximately 4,711 animal cruelty calls last year. Most of these were misdemeanor offenses handled by animal control officers. Under S.B. 223, those calls would have to be answered and investigated by Metro. The 4,711 animal cruelty calls were only Clark County statistics. There are five other animal control agencies in the area.

Felony cases require much more extensive investigation than misdemeanor cases. A citation can be issued for misdemeanors. An arrest must be made for felonies. In many of these cruelty cases, there is no one to accuse. The animals are abandoned or the suspect cannot be located. In those cases where the suspect is known and is found, that suspect would have to be arrested and processed through our jail and the court system. The average cost to house an

inmate in the Clark County detention center is \$140 per day. The average length of a stay at the center is 16 days. This is a significant cost. If 25 percent of those 4,711 calls last year had resulted in felony arrests under S.B. 223, the fiscal impact on our department would be approximately \$2.5 million.

First and second offenses for battery domestic violence under NRS 200.485 are misdemeanors. If S.B. 223 is enacted, a man could get a misdemeanor for beating his wife and a felony for beating his dog.

Involuntary manslaughter is a Category D felony under NRS 200.090. A person who abuses an animal could receive the same punishment under S.B. 223 as a person who kills another person.

Abuse of older persons or vulnerable persons under NRS 200.5099 is a gross misdemeanor for the first offense. Abuse of an animal under S.B. 223 would be a felony.

According to line 8, page 2, of S.B. 223, if a person "allows" the abuse of an animal to take place, he would also be guilty of or charged with a felony.

I respectfully ask this Committee to consider whether or not it is your intent to put this crime on the same level as crimes against people. We are willing to work with the sponsors of S.B. 223 to craft language that addresses those extreme cases of animal cruelty that you saw today.

CHAIR MANENDO:

If someone were to see some type of brutality and call the Metro, what is your process. How do you respond?

MR. CALLAWAY:

In Clark County, if someone calls to report animal abuse, the call is referred to Clark County Animal Control or City Animal Control, depending on the location of the source of the call. The appropriate animal control agents would respond and take appropriate action. If the agent arrives to find the incident qualifies as a felony because of two previous misdemeanor animal cruelty charges, the agent would call Metro. We would respond to arrest the suspect and investigate the charge.

CHAIR MANENDO:

How is the data stored to track previous charges so the animal control agent knows to contact Metro?

MR. CALLAWAY:

I am not 100 percent sure. I would guess the courts track that information and it is entered into Shared Computer Operations program. When animal control agents access that suspect's background, they would see previous charges.

TIM KUZANEK (Captain, Governmental Affairs, Washoe County Sheriff's Office):

I signed the Attendance Roster in opposition to this bill because of the procedures required by it. We have many of the same issues in Washoe County as in Clark County. We have the responsibility to investigate felonies in partnership with the municipalities within our county. We do not want to respond in place of animal control agents. We are absolutely willing to assist them in our area. We want to ensure the system in place remains the same and animal control agents are the first responders in animal abuse calls. When situations rise to the level of those cases we have heard today, animal control agents can call us to assist. We have no desire to oppose the concepts behind S.B. 223 concerning extreme cases of animal abuse. My concern is that considering everything from torturing an animal down to a dry water bowl as animal cruelty is too broad a definition.

CHAIR MANENDO:

Approximately 8 or 10 years ago, as I was campaigning for office in residential neighborhoods in my district, I came to a residence where I heard people giggling and laughing amid other strange noises. I saw that these people had a goat strung up in their front yard. The mother and father were beating the goat with switches. As I stood there in amazement, they handed the switch off to their kids and taught them to do the same. I told them to stop and called "311" on my cell phone. I waited and waited. When I told these people the police were on their way, they ran into their house. They left the goat hanging by one leg in the front yard. As I continued walking in the neighborhood, the neighbors said that this happened all of the time at that house. This is why I asked my last question.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):

I have submitted my written testimony ([Exhibit R](#)). I am neutral on this bill.

REBECCA GASCA (Legislative and Policy Director, American Civil Liberties Union of Nevada):

I am neutral on S.B. 223. I wish to add these comments on the record out of respect to the individuals in this room and the sponsors of the bill.

Some people may have noticed that I was not looking at the videos as they were displayed. That was because I am personally a person who cannot look at images like that. I am not even a person who rubbernecks at accidents on the freeways because they make my stomach turn and I get emotional, so I knew that looking at those images would probably have prevented me from putting these thoughtful considerations on the record.

In Senator Breeden's opening remarks, she asked that the Committee consider moving forward in addressing this type of behavior and penalties that are commensurate with the levels of severity of animal crimes. I am here to ask that you actually expand your scope beyond those levels with relationship to the severity of other animal crimes and ask that you consider the level of severity with other crimes that are currently on the books. During the interim legislative session, between the last Session and this, Dr. James Austin, who is a consultant hired by the State, testified numerous times in front of the Advisory Commission on the Administration of Justice that the State of Nevada for far too long has been putting forward criminal penalties on the books in a piecemeal fashion. What that has resulted in is a kind of mishmash of State laws with varying penalties and varying severities for different types of crimes. Over the course of many years, the Legislature has also, in a piecemeal fashion, increased those types of penalties from year to year in an effort to be what many people, during the truth-in-sentencing era, called tough on crime. We are here to ask this Committee, and this is kind of a singular occasion, because it is not often that you hear bills that have criminal penalties. But we are here to ask the same thing that we asked of the Senate Committee on Judiciary, of other committees of this legislative body who review and make decisions on criminal penalties, to begin looking in a holistic fashion when deciding upon this. I am not here to say that this certain level of crime merits this [Category] C or D [felony]. I do hope that you look, or perhaps your policy analyst could look, into the legislative history of the

establishment of those [Category] C and D crimes. I looked on the legislative Website and since it was before 1999 when the LCB [Legislative Counsel Bureau] started kind of casing those and making them available online, I was unable to find why the show dog was set at that level. But I think that the statements put forward by law enforcement kind of lay down a field for you to consider insofar as different crimes and the statutory penalties. I want to quickly just give one example that I gave in a very similar type of testimony ... to Senate Judiciary about a week ago on enhancing penalties for creating synthetic cannabinoids. I noted that the level of crime was similar in nature to trafficking. A level [Category] C felony under NRS 453.339, that is trafficking of marijuana from 100 up to 2,000 pounds, would be the same type of criminal penalty here. Again, I am not here to say that what you are considering is correct or not correct for the type of crime being put before you. I am just asking that as you move forward with this, and as you continue your legislative service this Session and in possible future sessions, that you please move forward with the full intent to realign, do a kind of responsible realignment of the criminal penalties that we have on our books, so that we can be more responsive to the needs of law enforcement, to the needs of our community and to the needs of Nevada's citizenry.

TONY YARBROUGH (Director, Nevada's People for Animal Welfare):

I started to speak in opposition to S.B. 223. I am beginning to wonder, with some of the testimony I am hearing today, if we are pointed in the wrong direction. The language is increasing the penalty and making corrections to something from a previous session. We seem to note a lot of people want to give animals the same rights as human beings, treating them the same way. We call that animal rights. The term "animal welfare" has been hijacked by a lot of people. We find that if we make differences between humans and animals and we want to provide a penalty higher for animal abuse than we do for people abuse, I think we have misunderstood. There is no denial that animal abuse is an issue and can lead to human abuse. We need to keep an open mind and recognize that cruelty must be more clearly defined. In Cooney's case, there may be an omission of facts. Cooney's owner was apparently heavily medicated. From a legal standpoint, if that were true, it is unlikely that he would be found guilty of willful and malicious conduct. In Cooney's case, the shelter released the dog to someone who was not the dog owner. Perhaps we should

be looking at standards of care in the shelters rather than only looking at increasing penalties. We need to look at budget costs for implementing this bill. It does not appear consistent with the Governor's mandate on looking at budgets. Law enforcement has made it clear there is an impact on their departments that could be negative. Washoe County is trying to change some of their animal control codes to downplay penalties for animal abuse from a misdemeanor to a civil case. They are trying to find ways of managing their budget. If we are going to give humans and animals the same rights, we need to be cautious in how we do that. It may not be the intent of this bill to negatively impact budgets, but it is headed in that direction. Please do not pass S.B. 223 in its current form.

CHAIR MANENDO:

What are your thoughts on people who mutilate animals?

MR. YARBROUGH:

I find it abhorrent.

CHAIR MANENDO:

What would be a proper punishment?

MR. YARBROUGH:

We need to put the facts where the facts belong. Why would we have a heavier penalty for animal abuse than for human abuse?

CHAIR MANENDO:

I understand that. What do you think should be the proper punishment for someone who abuses, neglects, mutilates, starves or strangles an animal? The other things you have mentioned may be things we will eventually review.

MR. YARBROUGH:

The punishment we currently have is adequate, unless we intend to increase the other penalties for humans as well.

SENATOR ROBERSON:

I am astounded by your answer, but you are entitled to your opinion.

SENATOR LEE:

We hear about children who have abused animals. If you are the parent of a child who has abused an animal, what would be your responsibility? Would it be to turn in the child? Then what happens to the child? Does the adolescent then have these tendencies? I do not know that the answer is here. We saw the case of a young lady who watched her dog get hurt because she was being abused. I wonder where the second person, who was not kicking or hitting the animal, or the person who suspects abuse is happening, falls in this legislation.

MS. GINA GREISEN:

For the underage bystander, or someone who is allowing or furthering the cruelty, the penalties would probably be applied differently. We can get clarification on that.

MS. STOBERSKI:

In Nevada, we have statutes that deal with parental responsibility when a minor is involved in a traffic accident. The parent is responsible. There are no statutes that require a bystander to aid or assist. In cases of bystanders to animal cruelty, animal control agents or police officers may have to apply standards on a case-by-case basis.

CHARITY FOWLER (Counsel):

It would probably be a case of negligent supervision on the part of a parent. I can research how this would apply in the example you cited.

CHAIR MANENDO:

The show dog penalties went into the law in 1999.

MS. DENNING:

In our county, we handle three to five severe cases of animal abuse each year. There is not a large volume of calls. When we do have to respond to these, we need to have the teeth and the law on the books to address the abuse accordingly and put perpetrators where they belong. We want to partner with our law-enforcement agencies. It will not put more work burden on them. We want to be able to call them to arrest the suspect in those severe cases. The animal control agent does the bulk of the investigation. In questionable cases, we have the district attorney's office review the case before any felony charges are filed. I understand there is a fiscal impact, but an ounce of prevention is worth a pound of cure. The people who commit these crimes are the same

people who will be rearrested in a year for a violent crime. In Cooney's case, her owner's ex-wife told us that he has committed severe violent crimes in another state.

CHAIR MANENDO:

I hope one day we will return to this Committee and talk about how we had zero numbers and no fiscal impact. The volume you quoted is not a lot, but it is too many.

JOLENE HAYES (Society for the Prevention of Cruelty to Animals of Northern Nevada):

Without S.B. 223, someone who might be mad at me could come into my yard, grab my dog, kill him, mutilate him, hang him from my front door and let him bleed out. It could be captured on video. That person could confess and would get a ticket. This could be repeated two more times with two more animals before punishment occurs.

I have a neighbor who reaches his hand through my fence and feeds my dog things after being asked repeatedly not to do so. My dog got sick with pancreatitis after eating something very rich that my neighbor had given him.

CHAIR MANENDO:

In cases where someone harms somebody's extended family, what happens to that person? Police are involved. The court system is involved. Sometimes, just taking care of the situation that happens, sadly, means we go through the court system. It is such a sensitive issue when you mess with people's families. People who cut up dogs are crazy, but sometimes things happen that make people crazy. Perhaps, we would be saving money in the long run.

FRED SLATER:

I have heard a lot of comparing crimes to punishments, taking into account the morality and severity of the act. We should use caution when comparing possessing 900 pounds of marijuana to throwing litter in the streets or jaywalking or domestic abuse when we are talking about law enforcement. It is a mistake to enter this line of rhetorical argument about the pros and cons of proposed legislation. This bill started out in the right direction. The language is flawed. Care should be taken to clean up the language rather than to compare crimes and offenses. Language regarding documentation for first, second and



third offenses and exclusions needs to be so clear that the appropriate punishment is also made clear for the judge.

SENATOR BREEDEN:

The bill is important based on the interest shown here today. Our companion animals are our families. I am disappointed at those who have opposed this bill as written. That does not mean that we cannot work together. I appreciate everyone who has come to the table today to express their thoughts.

CHAIR MANENDO:

We are always trying our best to create good public policy by working together.

Seeing no further public comments, we are adjourned at 6:14 p.m.

RESPECTFULLY SUBMITTED:

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Leslie Sexton,  
Committee Secretary

APPROVED BY:

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Senator Mark A. Manendo, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.J.R. 4	C	Senator Dean A. Rhoads	Written Testimony
S.J.R. 8	D	Senator Dean A. Rhoads	Written Testimony
S.J.R. 8	E	Senator Dean A. Rhoads	Mock-Up
S.B. 223	F	Senator Shirley A. Breeden	Written Testimony
S.B. 223	G	Gina Greisen, President	Two photos of black dog
S.B. 223	H	Karen Layne, Ph.D	Written Testimony
S.B. 223	I	Dave Henderson, D.V.M	Two photos of cats`
S.B. 223	J	Margaret Flint	Written Statement of Bonney Brown
S.B. 223	K	Margaret Flint	Written Statement of Beverlee McGrath
S.B. 223	L	John Brislin	Written Statement
S.B. 223	M	Jennifer Nunn	Written Statement
S.B. 223	N	Margo Larson Kathleen Denning	PowerPoint Presentation
S.B. 223	O	Holly Natwora	Written Statement
S.B. 223	P	Lykira Fuentes	Written Statement
S.B. 223	Q	Asha Anderson	Written Statement
S.B. 223	R	Doug Busselman	Written Statement