

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

**Seventy-sixth Session
April 6, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 3:50 p.m. on Wednesday, April 6, 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 Allison Copenig, Clark County Senatorial District No. 6
Senator Don Gustavson, Washoe County Senatorial District No. 2

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Beverlee McGrath, American Society for the Prevention of Cruelty to Animals;
Best Friends Animal Society; Action for Animals; Paw Pac
Eric Mills, Action for Animals
Margaret Flint, Nevada Humane Society
Stacia Newman, Political Action for Animals; President, Compassion Charity of
America
Karen Goodman

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Geraldine Rueger, Guardians for Animals, Nevada
Willis Lamm, Vice Chair, Lyon County Animal Services Advisory Board
Christine Schwamberger
Linda Faso
Karen Layne, Las Vegas Valley Humane Society
Gina Greisen, President, Nevada Voters for Animals
Joe Guild, Reno Rodeo Association
Philip Hacker, Intern to Senator Lee
K. Neena Laxalt, Nevada Cattlemen's Association
Alejandro Galindo, President, Las Vegas Charros Association of Mexican
Federation of Charreada; Charros Federation, USA
Tom Collins, Board of County Commissioners, Clark County
Elmer Pacheco, Charros Association of Northern Nevada
Esmeralda Pacheco
Clarissa Engstrom, D.V.M.
Karen Grogan
Tony Yarbrough, Nevada's People for Animal Welfare, NV PAW
Dennis Wilson, Nevada Veterinary Medical Association
Mitch Schneider, Manager, Washoe County Regional Animal Services
Chris Vaught
Ann Kinney
P. Michael Murphy, Clark County
Jim Wheeler
Dick Westrup
Kevin Dick, Director, Air Quality Management Division, Washoe County Health
District
Dennis Ransel, Manager, Air Quality Planning Division, Department of Air
Quality and Environmental Management, Clark County
Peter Krueger, Nevada Emissions Testers' Council
Mike Prince, Terrible Herbst
Lou Gardella, Jiffy Smog
Colleen Cripps, Ph.D., Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resource
William S. Striejewski, Senior Petroleum Chemist, Bureau of Petroleum
Technology, Division of Measurement Standards, State Department of
Agriculture
Lon Beal, Administrator, Bureau of Weights and Measures, Division of
Measurement Standards, State Department of Agriculture

CHAIR MANENDO:

I will open the hearing on Senate Bill (S.B.) 364.

SENATE BILL 364: Prohibits a person from engaging in horse tripping or organizing a horse tripping event under certain circumstances. (BDR 50-357)

BEVERLEE MCGRATH (American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Action for Animals; Paw Pac):

The official sponsor of S.B. 364 is the American Society for the Prevention of Cruelty to Animals (ASPCA); it is also supported by Best Friends Animal Society, Action for Animals, Paw Pac, Nevada Humane Society and Nevada Political Action for Animals. I would like to propose an amendment to the bill to include the words, "or lassoing or roping the legs" ([Exhibit C](#)), which is a critical part of the bill. Horse tripping is not sanctioned by any professional rodeo as outlined in my second handout ([Exhibit D](#)). The Professional Rodeo Cowboys Association banned it 50 years ago from movies and television noted in my handout ([Exhibit E](#)). Are these events taking place in Nevada? Is this just a precursor to banning other events? This is a Hispanic event that does not take place in any American rodeo. When the horse-tripping event occurs, it happens in unadvertised, non-sanctioned rodeos. The Winnemucca Charro rodeo is taking place on April 30, 2011, and May 1, 2011. Horse tripping is an event taking place in this rodeo, [Exhibit E](#). The ASPCA has no plans to introduce additional legislation to impact the Charro rodeo.

CHAIR MANENDO:

We have the amendment to which you are referring, [Exhibit C](#).

MS. MCGRATH:

Does it have the words, "lassoing or roping of legs?" I sent you an advertisement of the charro rodeo in Winnemucca, with pictures of horse tripping, [Exhibit E](#). One of the horses is on the ground; the other horse has its legs spread apart, and is falling onto the ground. I will read the English translation of the Winnemucca charro, ([Exhibit F](#)).

SENATOR ALLISON COPENING (Clark County Senatorial District No. 6):

I will read my testimony ([Exhibit G](#)).

ERIC MILLS (Action for Animals):

I am a coordinator for Action for Animals in Oakland, California. I am a fan of cultural diversity. Charreada is a family event that does not involve money. I had never heard of Charreada until 1992. I had been doing rodeo-reform work around the country for ten years, prior to 1992. The Charreada, in southern Alameda County, California, I went to was very colorful, with a Mariachi band, picnics and costumes. It was enjoyable until they did the horse tripping, "manganas." Charreada features nine standard events ([Exhibit H](#)). There are pictures of the horse tripping event, [Exhibit H](#). I have dozens of letters at home from veterinarians in support of legislation against horse tripping. I have described an event that I have witnessed, [Exhibit H](#). This is a national sport in Mexico. I will close with a letter from Cesar E. Chavez, dated 1990 ([Exhibit I](#)). These are words to live by. I am asking you for an "aye" vote.

SENATOR LEE:

I read your testimony, [Exhibit H](#). The concerns I have received from people are the effects on the National Finals Rodeo (NFR) in Las Vegas; however, if Clark County has adopted these same regulations, with no effect on the NFR, that would alleviate that concern. Will the new amendment have any effect on the NFR?

SENATOR COPENING:

I have not actually had a chance to look at this amendment [\[Exhibit C\]](#). So, I do want to examine it before it is considered by the [Senate Committee on Natural Resources] Committee. I was told that one was going to be offered, it was thought that the language was already in the bill. So, I need to get with LCB [Legislative Counsel Bureau] and make sure, and indeed if it does affect NFR in some way, we definitely need to take a look at it. To my understanding, this sport is not a part of it. And again, if the amendment does affect that, I would not be in favor of the amendment. So we'll have to look into that.

SENATOR LEE:

Clark County made the statement already. I do not know if the new addition's words would affect the NFR.

SENATOR COPENING:

I do need to make a correction. Beverlee [McGrath] did tell me that Washoe [County] is pending. They are under consideration, so it is something they are considering. They have not adopted that, as of yet. However, it was Clark County and Washoe County that provided their language to me, to put this together. So, in answer to your question, I think two things: one, I think it's important to codify things in law that are important to codify in law. Secondly, there are many counties that have not considered this, as of yet. I think that's one of the reasons, as we know that, there is one where this type of event is taking place at the end of the month. And ... , I ... want to make sure that this doesn't happen. I just find it completely inhumane to do this to horses.

SENATOR RHOADS:

Do you think this should be left to the local counties, like Clark and Washoe Counties did? They know the situation better than we do.

SENATOR COPENING:

No, because I do not know if I can trust all the counties to outlaw this type of action. That is the reason we wanted to bring this forward. Both Clark and Washoe Counties were in support of this becoming a law, rather than a county regulation.

CHAIR MANENDO:

Is the event in Winnemucca primarily a horse-tripping event, or are they doing other things?

MR. MILLS:

The horse tripping event was advertised on the Website, in Winnemucca, two days ago. It is a full-scale Charreada. They are doing all nine events including a women's sidesaddle riding event, with everyone in costume. It has been going on a long time in Winnemucca. I have video footage of this event taken 15 years ago.

CHAIR MANENDO:

Do the nine events include the horse tripping?

MR. MILLS:

Three of the nine events include roping horses by the legs.

CHAIR MANENDO:

I wanted to make sure there were other events happening, besides the horse tripping, so people would not lose their money.

MS. MCGRATH:

I have a stack of letters in support of S.B. 364.

CHAIR MANENDO:

How many letters do you have?

MS. MCGRATH:

I have a couple hundred letters here, and two more stacks of letters at home.

MARGARET FLINT (Nevada Humane Society):

I will read my testimony ([Exhibit J](#)).

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

We favor S.B. 364.

KAREN GOODMAN:

When [I] started researching this, the way I saw it, [there] was [a horse] in a corral, a few men go out with the horses, [a] few [men] are on horseback, and they start to chase the horse. ... sometimes, they have an electric prod, and the speeds are up to 25 miles-per-hour. And then, they rope the horse, and the horse crashes to the ground violently. Then they are dragged by men on horseback. When this is over, because they can hardly walk at this point, and they are continuously falling. They are getting up, and they're getting roped, and then they're falling again, and they're being dragged out of the corral. And some are euthanized, and some are left to die.

I have a letter from my veterinarian, who has been working with horses for 20 years ([Exhibit K](#)).

GERALDINE RUEGER (Guardians for Animals, Nevada):

Horse tripping is a cruel and brutal sport that has been part of the Mexican rodeo tradition. Horses are tripped by ropes and break their legs, necks [and] teeth. They have spinal damage and endure hours of pain, while the crowds cheer. Many horses require euthanasia as a result of their injuries. If they survive with their injuries, they can be transported to a slaughterhouse. Horse tripping is not held in sanctioned rodeos. They are held in out-of-the-way areas. It is a part of the Mexican tradition. But sometimes, tradition can hold people back from making decisions that they know in their hearts is wrong. They feel they must go along with the tradition. Senate Bill 364 would help to end this inhumane sport. This sport is already banned in many states.

WILLIS LAMM (Vice Chair, Lyon County Animal Services Advisory Board):

We had a public meeting last night. We took public testimony and deliberated on a number of bills being brought up before this and other committees, included in my handout ([Exhibit L](#)). We support S.B. 364. Lyon County passed a horse-tripping ordinance in 2008. This was the result of disturbing incidents that happened in Lyon County. The Lyon County ordinance says, "It is unlawful for any person to intentionally trip or fell any equine animal by the legs, or by any means whatsoever, for the purpose of entertainment or sport." It is very specific, we are talking about tripping, and we are talking about entertainment or sport.

I received communication from Romero Rodriguez from the Mundo Charro organization. He states, "Charros in the United States do not trip the horses when they do manganas in any competition. Whoever trips a horse intentionally, is suspended for a whole year." Horse tripping is being done as a shadow activity, like cock fighting, while responsible equine activities have become safer over time. I have had horses for decades. I raise, train and compete with horses. I would not want to shut down the Charro-type rodeos. We have seen sufficient evidence to address the issue of horse tripping. We support S.B. 364.

CHRISTINE SCHWAMBERGER:

I am an attorney who does pro bono lobbying for animal-related bills. Part of my testimony is written ([Exhibit M](#)). These animal bills are not really about animals; they are about the kind of society we want to live in. Cruelty is defined in the

Nevada Revised Statutes (NRS), [Exhibit M](#). Nevada loves horses, and Americans love horses.

LINDA FASO:

Horse tripping causes crippling injuries, sending most of the helpless horses to a slaughterhouse to face more unspeakable cruelty. Countless horses have been mutilated by this unnecessary event in the name of fun or profit. Nine states have banned this barbaric practice. People do this in the name of tradition or culture. It is animal abuse. I support S.B. 364.

KAREN LAYNE (Las Vegas Valley Humane Society):

The Las Vegas Valley Humane society urges you to support S.B. 364.

GINA GREISEN (President, Nevada Voters for Animals):

I urge you to support S.B. 364. Even though my grandfather was from Mexico, I am proud that I was never exposed to these cruel traditions.

JOE GUILD (Reno Rodeo Association):

I am here on behalf of the Reno Rodeo Association to register our opposition to this bill. I am a lifetime horse owner, and an alfalfa rancher from Mason Valley. I am past president of the Nevada Cattlemen's Association. I have competed in rodeo events and horse shows most of my adult life. There is an underlying problem with this bill. The Reno Rodeo Association and I do not think tripping horses is a good idea. The Professional Cowboys Association has long banned horse tripping as a rodeo event. Sanctioned rodeos, like the Reno rodeo, have never had a horse-tripping event in the last 50 years. I would like to read the Animals in Entertainment and Competition policy of the Humane Society of the United States (HSUS), of which Beverlee McGrath is the representative. In her written statement to you she says, "This bill is not an attack on all rodeo events." I submit that this is a precursor for future attempts to ban rodeo events, and ultimately ban rodeos. I am reading the policy of the HSUS on rodeos ([Exhibit N](#)). They want to do away with rodeos. This bill is a covert attempt to begin undermining the legal use of animals in rodeos in Nevada.

PHILIP HACKER (Intern to Senator Lee):

I am opposed to this bill. I have provided my written statement ([Exhibit O](#)).

K. NEENA LAXALT: (Nevada Cattlemen's Association):

If the Humane Society starts campaigning against rodeos, when will they start with ranching? We are in opposition to this bill.

CHAIR MANENDO:

I remember years ago, that there was a bill to ban certain types of fireworks. ... Some of those folks were very, very concerned that [it] was going to have an impact on other types of fireworks. ... A member of the Assembly, they told the sponsor of the bill, ... this was just [to] open the door, and we'll never have any fireworks ever again. No family is ever going to be able to have barbeques, and do their little safe and sane fireworks. This is going to spread to everywhere. ... that was ... fifteen, twenty years ago, a long, almost two decades ago. And, I don't think I've missed a fireworks show in front of my house. So, what could possibly, maybe happen in the future, this body is not bound to that. We cannot tell future Legislators what they can or cannot bring forth on behalf of their constituents, because we live in such a wonderful country, that we can bring forth different ideas every single session, whether it's at the local level, state level or federal level. So, we can't be bound by what other Legislators may or may not do. We have to operate off of what we have in front of us. We can't be so close-minded to not think about what we have in front of us today, rather what may happen 10 years from now, or 50 years from now. ... I really take issue with that, because whoever's going to be in my seat, or Senator Lee's seat, or Senator Rhoads' seat, we can't tell them, "Hey, you can or cannot do this," because that wouldn't be fair to that elected official. ... I love your testimony. I have a question. I know you mentioned, and I'm sure this was a tough one to research, but, they are all difficult, but this one's a little more difficult than some of these other pieces of legislation we deal with, but, some of the data you mentioned, ... were you able to find any data that says that if Nevada joined the other states, especially in the West that have banned horse tripping, would we see a positive impact, maybe more people would come to our State? Is there anything out there that shows that maybe it would have an opposite effect, rather than, "geeze," ... other states have banned this, we better not go, and just in case 50 years from now, they decide to ban rodeos, which is again, not

in this bill? I was just wondering if you have found anything on that.

MR. GUILD:
No, I did not.

MR. HACKER:
It has been speculated that the NFR would be taken away from us by the state of Texas.

CHAIR MANENDO:
Is the state of Texas saying, if we pass this law to ban horse tripping, they will not want to have the NFR here?

MR. HACKER:
No.

CHAIR MANENDO:
"Okay, okay, I want to make sure of that for the record."

SENATOR ROBERSON:
Has Texas outlawed horse tripping?

MR. HACKER:
I do not know.

SENATOR ROBERSON:
That is what we heard earlier. I heard Texas, Nebraska and a few other states have outlawed horse tripping. Did you say there was some indication we would lose the rodeo to Texas if we banned horse tripping?

MR. HACKER:
Having the NFR transferred to Texas was not related to this issue, but it was brought up as potentially happening, due to the facilities. Banning this event is sending a negative message, and it cannot help.

SENATOR ROBERSON:
How can Texas take the NFR from us if we ban horse tripping, since they already have banned horse tripping? How does that make sense?

MR. HACKER:

I am just saying ...

SENATOR ROBERSON:

I think we need a bigger stadium.

ALEJANDRO GALINDO (President, Las Vegas Charros Association of Mexican Federation of Charreada; Charros Federation, USA):

I oppose S.B. 364. We fail to see a purpose for this bill. Facts should be in place, and clear-cut proof should be presented. Why discuss a bill for something that does not exist, nor has existed here in Nevada for the past 16 years, which was the last incident I was made aware of. I have yet to see proof of horse tripping. I would like you to make a decision based on the facts. Similar bills have been presented recently in Oregon and Colorado, and their legislative process has been halted due to insufficient proof. It has been a constant attack from state to state. The bylaws and rule book of the Association of Mexican Federation of Charreada and the Charros Federation, USA, strictly prohibit the acts of intentionally wrangling equine in the United States. You are asking, "Well, if it's not being done in the State, why be against it?" We are afraid of the interpretation of the wording in this bill, and the bill's actual purpose. Why present a bill for something that is not being done? Is there a bigger agenda behind it? Let me read the definition of horse tripping in the bill, section 1, subsection 5, paragraph (a) "'Horse tripping' means to use a wire, pole, stick, rope or other object to cause a horse, mule, burro, ass or other animal of the equine species to fall or lose its balance." The concerns are "lose its balance" and "object." For an example, someone might interpret this bill for a bucking horse, as well. As the horse comes out of the chute, someone might see it as a horse losing its balance by the spurs of the rider, or the rope the rider uses to hold on to the horse. It depends on the interpretation of the bill. As you can see, it says, "to lose its balance" and to use any "object." The wording might affect other rodeo events. We do not support the horse tripping part, and we have not done it for the past 15 years. If other states have passed legislation like the people who support this, it was because it was done 15 years ago. Nevada is a rodeo state and the home of the NFR. Nevada is a part of the old West tamed by the cowboy. Charro is part of the rodeo we furnished the American cowboy; it evolved from the charro. The pictures shown are from the 1990s, [Exhibit E](#); this is 2011. The people I represent can govern their own organization and their own events. We build organizations to protect traditions and heritage on how the West was won and to help the Mexican-American charro. What is next? Is

the government going to give us cowboy reservations similar to the "Indian" reservations? We work with county commissioners and with Clark County, and we follow the rules and anything else that might arise. The partnership between the cowboy and his horse has been an expensive one.

CHAIR MANENDO:

There is an event coming up this month that will have horse tripping, which is why this bill is brought forward. I appreciate that you are against horse tripping. If this were happening tomorrow, do you think there should be a punishment for it in Clark County?

MR. GALINDO:

It already is in place in Clark County.

CHAIR MANENDO:

Are you supporting the ordinance you have in Clark County? This just mirrors the ordinance in Clark County. This will not change anything in Clark County.

MR. GALINDO:

Change is not the issue, the issue is the wording where it says, "to lose its balance."

CHAIR MANENDO:

We will get a copy of the Clark County ordinance and look at the language. It is my understanding this is exactly the same wording. If it is the same, and you are supporting the Clark County wording, and we use the same wording in the State law, then nothing will change.

MR. GALINDO:

Then why put it into State law, if it is not being practiced?

CHAIR MANENDO:

You must have missed the testimonies.

MR. GALINDO:

If county ordinance has already done it, why put it into State law?

CHAIR MANENDO:

Clark County is not the entire State of Nevada. There are 17 counties in the State. Some things are appropriate for some counties, and some things are appropriate statewide. We are talking about other counties. The proponents are trying to codify it into State law.

MR. GALINDO:

There is no horse tripping in Winnemucca. Someone has erroneously translated manganas to mean horse tripping. Manganas is not horse tripping, manganas is the act of horse wrangling. Wrangling is part of the West.

CHAIR MANENDO:

Counsel has informed me the language in this bill is the same as in the Clark County ordinance. If you are okay with the Clark County ordinance, this does not do anything different. If you live in Clark County, nothing is going to change.

TOM COLLINS (Board of Commissioners, Clark County):

As it's been stated a couple of times, the National Mexican Rodeo Association outlawed horse tripping over 15 years ago, point one. Second point, the Legislature is trying to push things down on local government. Push things down on local government, home rules discussed, all of those things. We're going to start paying your bills, etc. So, if that is the case, then Senator Rhoads made a very wise statement in why not leave it up to the counties, as it's been in the statutes for [a] long, long time? I have the county ordinance. I'll read it to you in a couple [of] minutes. It is not the same as your proposed legislation in Senate Bill 364. Safe and sane fireworks have been restricted and limited from those years ago, and I recall those times when we, the Legislature, dealt with fireworks. Less than 24 hours in a year, in the whole entire year, they're restricted down to less than 24 hours, now. No more Memorial Day, Labor Day, only Fourth of July for less than 24 hours. So there's been a creep, and a continued creep and restriction, to answer your editorial that you presented earlier, Mr. Chairman.

... this type of legislation died in Oregon and Colorado, recently. It is [has] been passed in different forms in several states over many years ago. Most of that, the same as when Clark County passed it

back in 1996. Great year. Sixteen years ago, 1996, Clark County passed an ordinance. ... Here's what it says, 'No person shall intentionally trip, or cause to fall, or lasso, or rope the legs of any equine animal by the legs or by any means whatsoever for the purpose of entertainment, sport, practice or contest in conjunction with, but not limited to rodeos, charreadas, animal racing or pulling contests' [([Exhibit P](#))] ... That is Title 10 of the Clark County Ordinance 10.32.250, and it was passed in 1996. [It is] nothing like this proposal here in the Nevada Senate Bill 364. Very different.

I also want to concur with the comments made by the Nevada Cattlemen's Association, also by Joe Guild representing the Reno Rodeo Association. As a county commissioner, I am also a member of the [Las Vegas] Convention [and] Visitor's Authority. I am also a member of the National Finals Rodeo Committee in Las Vegas events. ... I have been receiving phone calls from several western states, concerned about this legislation. Now, the several states that have passed this, most of which were many years ago in conjunction with when the Mexican Rodeo Association, banned horse tripping. What you have created today, or this year, with this piece of legislation is bringing current animal-law topics out into the public. ... the perception as was expressed by the Reno Rodeo Association representatives and Cattlemen's Association and others, including the Charro Association of Nevada, you brought out a perception that Nevada's going down that slippery slope that Mr. Mills has helped California do for many, many, many, many years. ... the comments about the health and illness of these horses that are roped and allegedly tripped in these old movies and being hauled to slaughterhouses, the State of Nevada, nor the United States, has any slaughterhouses anymore, because of federal bans. So, horses are extended to transportation and difficulty in handling of them and are transported to Mexico and Canada. Somewhere in excess of 100,000 horses, because we don't. Maybe you want to amend this bill to allow slaughter in the United States for a more humane treatment of those same animals. I think the Winnemucca event center is not a hidden-out place. Senator Rhoads, or anybody else that's been to Winnemucca, can testify that if that charro event is

going on there, it is certainly not being hidden out. ... they are complying with their national organization. If they are in fact having that type of event, you could probably go watch, and you wouldn't see any horse tripping. So, I would ask that if you plan to pursue and pass this legislation, that you exempt Clark County because it already has an ordinance that was passed in 1995. That has not caused any perception of issues relating to our rodeos and our western way of life.

SENATOR RHOADS:

I would like to clarify a point. My son-in-law told me he knows the person putting on the rodeo at Winnemucca, and there is no horse tripping going on there.

CHAIR MANENDO:

Regarding Commissioner Tom Collins statement, I was referring to the type of fireworks, not what days to use fireworks.

COMMISSIONER COLLINS:

The fireworks continue to be restricted.

CHAIR MANENDO:

I love fireworks, but I do not like the kind that cause houses to burn. I hate jumping over walls to put out fires from people's stray illegal fireworks. I had to do that a couple of years ago. That is why we have rules and regulations.

COMMISSIONER COLLINS:

Clark County has led the way in a lot of issues protecting animals, protecting our economy and providing for the State's economy. I would appreciate it if you would exempt counties over 400,000 population from the bill.

ELMER PACHECO (Charros Association of Northern Nevada):

I represent the Charros Association of Northern Nevada. We never have horse tripping, we have a manganas. If you take some of our traditions away, what is next? The Mexican rodeo is the only event families can come together to have fun. I am against this law.

CHAIR MANENDO:

When you get together with your family, do you do horse tripping?

MR. PACHECO:

We do not do horse tripping. We put this event together in 2004 in Dayton, and we do not do horse tripping. We do rodeo and Mexican events. In Winnemucca, the Charros Association of Northern Nevada is not having any horse tripping.

CHAIR MANENDO:

You, your family and friends can continue to do what you have been doing. If you have not been tripping horses, this bill will not affect you.

MR. PACHECO:

I want to make one point. Manganas is not a horse-tripping event. The law since 1995 eliminates horse tripping from Charreadas. We do manganas without tripping the horse.

CHAIR MANENDO:

You can continue to do that, regardless if this piece of legislation passes or not. You will not be affected.

MR. PACHECO:

There is no way we can put a lasso on the legs. We do not hurt the horses.

CHAIR MANENDO:

You said, putting the lasso on the legs of the horse.

MR. PACHECO:

There are nine types of things we do.

CHAIR MANENDO:

Do you do anything like this discussed and shown in this paper, [Exhibit E](#)?

MR. PACHECO:

We put the lasso on the horse, but we do not trip the horse. In California and the other states, they are allowed to put the lasso on the legs, but they are not allowed to trip the horse.

CHAIR MANENDO:

You put the lasso on the leg, and you pull, the horse is about ready to go down, but does not quite go down.

MR. PACHECO:

No, you do not pull the lasso. Since 2000, there is an agreement between all the charros that whoever trips a horse is going to be out of the association and the Mexican federation for life.

ESMERALDA PACHECO:

I am against this bill because the charros is a family tradition we have.

CHAIR MANENDO:

Do you support horse tripping?

MS. PACHECO:

No, but what will come next?

CHAIR MANENDO:

For the record, are you against horse tripping?

MS. PACHECO:

We do not do horse tripping.

SENATOR ROBERSON:

Everyone agrees that horse tripping is not a good thing, and it is animal cruelty. That is one thing we all agree on. I heard two arguments. It does not exist, therefore we do not need to outlaw it. It could happen tomorrow, even if it is not happening today. I have heard this is a "slippery slope." People have argued that once horse tripping is outlawed, the rodeo will be next.

MR. PACHECO:

I would like to see evidence of horse tripping in northern Nevada. I can go to the Internet and see pictures of horse tripping in Mexico. It is legal in Mexico.

MS. McGRATH:

I do not represent the HSUS, therefore the term, "slippery slope" does not apply to me. I currently represent a myriad of animal organizations. One of my organizations is the ASPCA which is sponsoring the horse-tripping bill. We have no intention of introducing additional legislation having to do with rodeo events. We are primarily a cat and dog organization. On Wikipedia, the definition of horse tripping is clear, and what I read earlier was done by Constituent Services here.

SENATOR ROBERSON:

I am trying to figure out how we can get everyone to come to an agreement on this. I have not heard one person say that horse tripping is a good thing. How can we address the concerns of the people who are here to oppose the bill? Is it the language? Should we look at Clark County's ordinance, or look at other states' laws? If everyone says that horse tripping is a bad thing, and if everyone is saying, on record, that we are not looking to outlaw the rodeo, there ought to be a way to get together and get some legislation passed.

CHAIR MANENDO:

I feel the same way. I feel there is common ground here. We will have our legal team research this and bring something back to the Committee.

SENATOR COPENING:

I just wanted to make a couple of closing statements, and it really was in response to Senator Roberson asking what the intent was. And I felt, because it was really, it was my bill, I should probably say what my intent is and separate myself to a certain degree from the Humane Society. I am not a member of the Humane Society. I love the work that they do. ... it just goes to show you I'm not influenced by any particular organization. But whatever organization Beverlee [McGrath] is with, I am not a member of. However, when it was brought to me, you know I go to rodeos. I enjoy rodeos and so my intent is clearly, ... not to outlaw rodeos. Therefore, ... some of my entertainment value would be taken away as well. However, when I discovered horse tripping, it was to me a very inhumane act. And I agree to what Senator Roberson said, there were definitely some agreements here. That is that most people think it's an inhumane act, and it shouldn't be around. ... therefore, we should put some measures in place to make sure that somebody doesn't get a wise idea and go ahead and put one of these into some show or rodeo. ... The other thing I thought about when I was, you know my friend Joe Guild, I don't know if he's here anymore. I thought as he was talking about being a horse owner, I wondered would he allow his horses to partake in this particular sport. ... I would have to venture to say that he would say no to it, and he probably would have his good reasons to do it. ... I just wanted to go on the record to say I am definitely not on

this road to outlaw rodeos. And I generally attend a couple a year myself.

SENATOR RHOADS:

Every year, as a rancher, we "head and heel" colts to brand and castrate them. According to the way the bill is written, that is called horse tripping. It says, "'Horse tripping' means to use a wire, pole, stick, rope ... , " we use a rope. "or other object to cause a horse, mule, burro, ... or other animal of equine species to fall or lose its balance." That is what we do. This would not allow the ranchers to brand their colts and take care of them.

CHAIR MANENDO:

It would have to be for an event which engages in horse tripping for enjoyment, entertainment, competition or practice. We will get clarification on that from our legal staff. I do not think that is the intent. Everyone is shaking their head no, for the record.

SENATOR ROBERSON:

We should address Senator Rhoads' concerns by adding language to make clear that this does not apply to ranchers.

CHAIR MANENDO:

Clark County Commissioner Chris Giunchigliani sent a letter to be on record in support of S.B. 364 ([Exhibit Q](#)). We will close the hearing on S.B. 364 and open the hearing on S.B. 299.

SENATE BILL 299: Revises provisions relating to the care of animals. (BDR 50-388)

MS. MCGRATH:

I am speaking for the Las Vegas Valley Humane Society, Nevada Humane Society, Nevada Voters for Animals, Nevada Political Action for Animals, Heaven Can Wait Sanctuary, Northern Nevada SPCA, SPCA of Nevada, Animal Foundation - Lied Animal Shelter and Tahoe Pet Network ([Exhibit R](#)). Those groups are sponsoring this bill. The ASPCA, Best Friends Animal Society, Action for Animals and Paw Pac are groups to which I belong that are sponsoring this bill. This bill targets the large-scale commercial breeders. This bill does not target responsible breeders. This bill will establish a permanent system and set

standards for breeders. It is modeled after the Clark County ordinance, except for the amount of fees charged for licensing. Legal staff has provided a definition of a business as anyone who performs a service or engages in a trade for profit. The term does not include a person who operates a business from his or her home, or whose net earnings from that business are not more than 66.67 percent of the average annual wage.

Some areas have a permit process, some areas have kennel permits processed through the planning commission, local police or animal control officers. There is no licensing requirement for the State of Nevada. Nevada encourages breeders to come into areas like Elko County. The animal control officer there told me people move in and set up a puppy mill because there are no permit or license requirements. Clark County has a permit limiting people to six dogs and ten cats. Some counties have no breeder permits. A permit would allow for inspections. The proposed amendment to the bill came from the Clark County code ([Exhibit S](#)). The bill requires a microchip, up-to-date rabies vaccination, no breeding until the dog is 18 months old, only one litter per year and a written sales contract. It applies to cats and dogs, not all animals.

We have heard there are no puppy mills in Nevada. You have a fact sheet on puppy mills ([Exhibit T](#)). We are going to expose a puppy mill in Amargosa Valley. This puppy mill has from 200 to 225 dogs. Best Friends told me about an animal organization in the area. I spoke to three former employees, a current employee and a neighbor. I hired a photographer and informant to go onto the property. There are genetic problems with the animals. The dogs are full of worms. The people who have purchased these dogs said the dogs were in poor condition. The dogs are bred every cycle, and they are bred to death. The outside pens have no shelter, and the water is frozen in the winter. The food containers are caked green. Two employees witnessed Linda Smith, the owner, selling dogs for dog fighting. The only reason Nye County did not close down this puppy mill is the cost. The Nye County Animal Shelter supervisor said it would cost the county \$250,000 to close this puppy mill in Amargosa Valley ([Exhibit U](#)).

The breeding stock is continually kept in confinement and bred as often as possible. A witness will attest that the dogs are shot and buried on the property. Senator Rhoads can tell you there are puppy mills in Nevada because two in his district were closed. We need to prevent puppy mills coming into the State by having a permit system in place and by having higher standards.

MS. NEWMAN:

The language for the amendment, [Exhibit S](#), for S.B. 299 is directly out of Clark County ordinance Title 10 ([Exhibit V](#)). I will read my testimony and show you pictures of the typical puppy mill ([Exhibit W](#)).

CHAIR MANENDO:

Were you talking about the proposed amendment, [Exhibit S](#)?

MS. NEWMAN:

Yes. I took another person with me to witness the situation. The commercial kennels go undetected because we do not have regulation with them. The woman running the Amargosa puppy mill and other commercial kennels set up meetings with buyers in Las Vegas instead of having the customer come to them. They sometimes meet in front of a pet store. As long as she offers the puppy to the public, she does not have to apply for a United States Department of Agriculture (USDA) application. She also avoids paying sales tax. I tried to verify if Linda Smith had a sales permit, but there was nothing on record. The only time these puppy mills are exposed is by neighbors or by former employees. The proposed bill will provide guidelines for commercial breeding facilities. We are under an obligation to provide protection for these animals housed in commercial kennels. They are at the mercy of breeders for water, proper housing, care and veterinarian treatment. Kennel dogs often become a disposable commodity. They receive little or no veterinarian care, and they are unprotected from the weather. In Amargosa, the mother dogs are kept in a trailer with no air-conditioning. They live in crowded cages under filthy conditions and are kept perpetually pregnant, [Exhibit W](#). These clippings were taken from local newspapers ([Exhibit X](#)). The puppy mill in Elko had 100 counts of inhumane treatment of animals. The purebred dogs were being raised to be sold in pet stores. The suffering animals were reported by a manager of a nearby ranch. The veterinarian who examined the animals said the dogs turned to cannibalism to survive. Besides the dead dogs in their cages, the authorities found a three-foot high pile of dead dogs.

The pictures I am showing you are typical of the puppy mills, [Exhibit W](#). They normally use the cheap rabbit cages where they can get injured by trying to chew their way out. There is a picture of the Nye County facility showing the unprotected cages and trailers where dogs are kept with no air-conditioning. The video from a cellular phone shows the plastic housing and barking dogs

([Exhibit Y](#), original is on file in the Research Library). Fecal matter is all over the ground, with no bedding, no water and crowded conditions.

Ms. GOODMAN:

I would like to address the amendment shown in green on the second page, [Exhibit S](#). "Each animal must have a registered microchip identification device and be up-to-date" It goes on say, " ... dog breeder cannot breed a female dog until she is eighteen months old and shall only allow a female dog to have one litter per year" Dogs reach maturity at different ages. It is the general consensus that they reach maturity between one and one-half and two years of age. They look like they are full grown; however, their bodies are still forming, and they are not ready to be bred. The mother dog needs recovery time between litters because pregnancy places a physical demand on the mother's system. This bill represents some of the same practices of a responsible breeder.

I would like to read from the American Humane Association, page 2 ([Exhibit Z](#)). There is a copy from the breed clubs on how often to breed certain species of dogs ([Exhibit AA](#)). A good breeder loves his animals and is concerned about the animals' welfare and future. Puppy mills are not concerned about the animals' welfare.

CLARISSA ENGSTROM, D.V.M.:

These breeding facilities have untrained personnel using antibiotics "willy nilly." All the ranchers know that the USDA has specific guidelines for antibiotic use for reproduction animals. These do not exist for commercial pet breeding, because they are considered companion animals.

I had a wonderful three and-a-half year old patient named Molly, she was a happy bouncy Lab [Labrador retriever].

She was recovering from a heart valve infection. She came to visit me for a recheck. She came into the waiting room, she happened to pass by a woman who had just purchased a little "Yorkie" [Yorkshire terrier] that had come from a commercial breeding facility in Missouri. That "Yorkie" had kennel cough, but it turned out that it was a highly resistant type of pneumonia. Five thousand dollars later, and ten days later, Molly is still with us, but she contracted this horrible, horrible, horrible infection. So there is no regulations on antibiotic use, there's parasites coming

out of there that are resistant to all of medications we have. These are horrible, horrible, horrible places.

KAREN GROGAN:

I went to the Puppy Patch to find a dog where I met Linda Smith bringing in dogs for sale. The crates were appalling, filled with feces and urine. There was no bedding in the crates. The dogs had feces squished between their toes. The puppies' nails were long. The puppies had diarrhea and were ill. The shop took in the dogs, treated them for ten days for disease and sold them. That is a recurring thing. I talked to Linda Smith about a puppy I wanted for my mother. We talked on the phone, and she invited me to her facility to help with the dogs. I was appalled at the place. I went back a few times to help her groom, strip, check nails and brush teeth. I asked her to cut back on the animals instead of rebreeding them back to their own parents. She told me that the healthiest survive and it is her income, giving her no choice. I witnessed appalling things, like her banging trash can lids together and using foul language to the dogs, telling them to shut up. I observed her shaking and slapping the dogs until their noses would bleed. There were 20 to 30 travel trailers full of dogs and puppies. They were hidden from anyone coming by. She rarely sells puppies from her facility. She sells them to pet stores. She used to sell to the Puppy Patch, which is now out of business. I contacted animal control to let them know of the conditions but was unable to get any help at all. The water for the dogs was green with algae. Worms were hanging out of dogs while I was there. She whips the dogs with buggy whips. There are four males in with six to ten females. She did not seem to care which dog was breeding with which female. There is no love in raising dogs this way. There should be a certain amount of employees per dog. If the puppies do not sell, she shoots them and dumps them in a hole. There are at least 35 to 40 other puppy mills.

MS. LAYNE:

The Las Vegas Valley Humane Society completes a regional animal sheltering report ([Exhibit BB](#)). We support S.B. 299.

MS. SCHWAMBERGER:

Not only does this bill protect the well being of the animals, it is a consumer protection bill. These puppies are diseased, they have genetic defects and they are not easily socialized. The commercial breeding of dogs must be regulated when there is a conflict between a business that maximizes its profit at the expense of the animals and the interest of people buying these puppies in good

faith. Without the authority provided in this bill, the costs of providing humane and sanitary conditions in raising these animals are shifted to the consumer. I found a quote off the Website where a dog trainer said, "I wish legislators could sit in my office and watch people sobbing in extreme emotional pain over having to decide whether to euthanize their dog because of some behavioral problem."

MS. FLINT:

You have my written testimony ([Exhibit CC](#)). I concur with previous testimonies. The Nevada Humane Society is in support of S.B. 299.

MS. RUEGER:

Puppy mills are run by unscrupulous dealers who are destroying the integrity of the animal kingdom by improper breeding habits such as inbreeding and over-breeding. They ignore the American Kennel Club breeding standards. The breeders are not improving the breed; they are down breeding with disastrous results. The results are genetic problems, neurological problems, seizures, etc. The conditions they are forced to live under are appalling. Animals are kept in filthy cages their entire life, never touching solid ground or able to play. They are cramped together with other animals. They lie in their own waste, and they become sick with no veterinarian care. They have severe psychological problems because of continuous confinement. They are living in a hell. We have no parameters or guidelines. This bill can help us create some standards in such areas as having permits, sanitation, housing, heating, exercise, veterinarian care and quality time. This bill will also allow for inspection. If they do not comply with the law, their permit should be revoked, and they should be shut down. After they are shut down, there should be a restraining order to keep away from all animals from the known puppy mills.

MS. FASO:

Four- to six-week old puppies are packed, several to a crate, with little food, water and ventilation, and transported to pet stores across the country. Some arrive malnourished or ill, and some never make it. This is the reality of puppy mills. Puppies depend on you supporting this bill and sparing families the heartache and financial problems resulting from this cruel business.

MS. GREISEN:

I am not a member of the HSUS. I am not a member of PETA [People for the Ethical Treatment of Animals], I'm really not a

member of any organization. I'm just a mainstream animal advocate that [sic] lives in southern Nevada, who likes to try to bring forward common-sense animal protection bills. I eat meat. I ate a hamburger yesterday. I was going to bring one today and eat it, just so everyone can see that I am not some ... crazy person that is trying to pass all these laws to ... restrict people's rights. This is about common-sense, animal-protection laws. I want to say I did participate in the Title 10 rewrite [[Exhibit V](#)]. ... I want to point out that there was a diverse group of people that Commissioner Chris Giunchigliani made sure were on that committee, including breeders that helped pass the Title 10 language that this bill is mirrored after. It makes sense to advocates and breeders, like I said. There were a lot of folks. ... There was [sic] a lot of public hearings starting with the Animal Advisory Committee all the way up to the county commission hearings when that language was adopted here. You know, I don't think I need to say that 75 percent of the population lives here in southern Nevada. I think it's just common sense to set standards for housing and care. ... I will say that I did speak recently to a breeder, by the name of, I believe his name is Tony Yarbrough. I believe he is with Nevada PAW. ... we had a long lengthy conversation about legitimate breeders. ... I was glad that he said that legitimate breeders care about their breed. They truly breed animals to better the breed. They make people sign contracts. They rescue back their breeds. They love their animals. They consider their pets as part of their family. ... I appreciate that and want to be very clear that this bill is not aimed to affect legitimate breeders. This bill is matched and directed towards what you saw [in] the pictures that you saw earlier today [[Exhibit W](#)]. And as far as the cost, I also want to say we rescued a dog named Frances. It is actually my brother's dog, now, an English sheepdog, ... purchased from a pet store here. The people called me and said, "Please rescue this dog because we can't keep it any longer. It has projectile diarrhea." I didn't really know what that was, except that we got this dog, and yes, they had artificial turf in their backyard. ... I could see why they didn't want to keep this dog anymore that they bought from a pet store. These are the kinds of animals you get from these kinds of commercial puppy-mill operations that don't care about the kind of standards or care that they are giving.

... this dog ... I had to rescue there was willing to take it, but I wanted her spayed first. We ended up keeping her for a year to get that projectile diarrhea under control, because ... she had such horrible intestinal problems, at great expense to my family to try to save that dog. We ended up just keeping her. And, also recently, there was an event that the Las Vegas Valley Humane Society just put on. ... a gal brought a golden retriever that was rescued from one of the puppy mills in Pahrump. I have never seen a golden retriever without hair. Now, we shave our dogs down for the summer, and they look really cute. ... they go and get that done at the groomer. This dog literally had no hair, and it was because of the breeding that had gone on. I have never seen something like that. But those are the types of animals that come out of those operations. And, I'd also like to add, I was a volunteer for television Channel 8, "8 On Your Side," which is a consumer section of Channel 8. I can't tell you the numbers of calls that came in from people that [sic] purchased sick animals that either died, or that they had went to great expense to try to save after vets. ... , they would just be told, "Oh well, just bring him back, and we'll give you another one." Well, ... you just let the animal die. I mean, this is a huge issue and I strongly, strongly urge you to support S.B. 299.

CHAIR MANENDO:

Did you say some breeders rescue back?

MS. GREISEN:

Yes, some legitimate breeders will rescue back the animal, for whatever reason, and find a new home for it.

CHAIR MANENDO:

I rescued back a dog. I wanted to make sure what you were talking about. For the record, Commissioner Chris Giunchigliani supports S.B. 299 ([Exhibit DD](#)).

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

My first experience in purchasing a thoroughbred dog was from a puppy mill. I shut down that puppy mill. A puppy-mill operation is atrocious. Is this bill directed to commercial breeders? If we have an illegal operation going on in Nye County, why is it not being addressed? There are already laws out there to

prevent this. This is an unfunded mandate to the counties. If Nye County cannot afford \$250,000 to shut this down, there is something going on here. Is passing this bill going to improve this situation? How are they going to fund it? Is there a USDA license required for commercial operations like this? Is a business license required? We are talking about an illegal operation going on. It is the same principle as gun control. If we outlaw guns, only people with guns are outlaws. If we are trying to go after someone who is irresponsible, how do we solve this? If they are still doing it wrong, it is not going to change anything. I do not agree with puppy mills anymore than you do. I am a responsible breeder. I do have contracts for sales. I have cradle-to-grave responsibility for my animals. How do you legislate responsibility? I am opposed to the bill because it is an unfunded mandate to the counties.

DENNIS WILSON (Nevada Veterinary Medical Association):

The Nevada Veterinary Medical Association is concerned about a number of items in the original draft of S.B. 299 as outlined in my handout ([Exhibit EE](#)).

MITCH SCHNEIDER (Manager, Washoe County Regional Animal Services):

I am opposed on a technical issue. In Washoe County, we have regionalized our animal services, and the way this bill is written conflicts with our inter-local agreement with the cities of Reno and Sparks. I have submitted a suggested revision. The district attorney's office confirmed my suggestion would be satisfactory in clearing up that technicality. Other than that, I do support this bill. There is a consumer-fraud issue with the puppy mills. It is tragic and emotionally devastating. Most pet stores get dogs from the puppy mills. We have investigated and put a stop to those abuses. The problem is getting access to puppy mills. We have to know they exist and have a permit or some type of license. The unfunded mandated issue has been addressed, and the counties can deal with that issue. It is an economic benefit to the community to stop these things from occurring, rather than having to deal with the aftermath of a major puppy mill gone wrong.

CHAIR MANENDO:

You mentioned a technicality. Could you mention it for the record?

MR. SCHNEIDER:

What I was suggesting, I don't have the exact words in front of me now. Can I get it back from her [Committee Secretary]? I was purely suggesting that in section 1, [subsections] number 2 and 3,

in number [subsection] 2, it says, " ... the board of county commissioners of each county ... " I suggest we insert comma, "if responsible for conducting enforcement of animal regulations 'comma,' shall adopt an ordinance," and it goes on. Same in [subsection] 2, "after each city, incorporated city, if responsible for conducting the enforcement of animal regulations." That would clarify our glitch with our interlocal agreement. 'Cause [Sparks] they have repealed all of their codes and have agreed not to enact animal regulations. ... since this is in [NRS] chapter 574, animal cruelty regulations, and it talks about animal control agencies, the other option would be to remove it, and put it in the section of NRS that had more to do with direction of business licensing and code enforcement-type issues. But more of a business license thing, and remove it from animal control, entirely. But since they seem to want us to be the ones ... , it makes sense for us to inspect and do those things.

CHRIS VAUGHT:

I am going to read my testimony ([Exhibit FF](#)). I am not convinced this bill is just for large scale operations. This bill does not clarify if someone's home is open to inspection and micromanagement by local government.

CHAIR MANENDO:

Do you breed dogs? Why do you do that?

Ms. VAUGHT:

I fell in love with Australian kelpies. Under our county ordinance, depending on how many animals I have, I could be considered commercial. I have a kennel permit, but I do not have a business license. I am not considered commercial at this time.

CHAIR MANENDO:

Do you sell any of them?

Ms. VAUGHT:

Yes.

CHAIR MANENDO:

Do you pay taxes on them? Do your customers pay taxes?

MS. VAUGHT:

I have not sold a puppy in this State. They have all gone out of State.

CHAIR MANENDO:

Do you declare revenue on your Internal Revenue Service form?

MS. VAUGHT:

I do.

CHAIR MANENDO:

If you are creating revenue, that is a business.

MS. VAUGHT:

That is my point. Does my home become subject to inspection?

CHAIR MANENDO:

I understand. I know people who have day-care centers in their home. They are subject to inspection because they agree to do that in their home. If you want to move your business outside of your home, they would not be invading your home. There are certain rules and regulations that apply when we choose to run a business out of our home. "I'm just trying to balance, here, where you're saying, 'Hey, you know, I'm making money.'"

MS. VAUGHT:

I did not say I was making money. I said I was charging for my pups.

CHAIR MANENDO:

At least you are breaking even. For whatever reason you choose to do that ...

MS. VAUGHT:

I bred a single litter, in seventeen years of owning dogs. It is a hobby. My dogs are bred for stock work and working purposes. The people who buy my dogs buy them for a reason. They want a trial dog or a stock dog.

CHAIR MANENDO:

Was that seventeen years ago?

MS. VAUGHT:

No. The only litter I had was two years ago.

CHAIR MANENDO:

What did you do with the puppies from two years ago?

Ms. VAUGHT:

I sold them. I gave a couple puppies away.

CHAIR MANENDO:

If you are selling them, you are making revenue of that sale. What county are you from?

Ms. VAUGHT:

I am from Washoe County. I am not required to have a business license right now. I am not considered a commercial kennel under the Washoe County ordinances at this time. I do not breed more than five litters a year. If you breed more than that, you would be considered a commercial kennel in Washoe County.

ANN KINNEY:

I am a hobby breeder in Washoe County. I raise, breed, train and show fox terriers. I have bred three litters of puppies in the last six years. Of those three litters of puppies, I have had 11 total puppies. Of the 11 puppies, 10 of them were donated to Four-Paws-for-Vets. I show my dogs to ensure quality stock that meet all the health regulations, for when they go to veterans, they will have a long healthy life. I agree with everything Chris Vaught read. I do not agree with stacking kennels because my veterinarian said stacking is best for my breed. My dogs go into their stacking crates when they are fed. The crates have pans that will catch any water spilled, and not go to the dog below. I do not have food fights when I feed my dogs. There are enough laws on the books to stop puppy mills. I do not mind animal control coming to my house as long as I know they are coming. My dogs live with me and sleep in my bed. They are not dogs, they are "fur people." If you bought a dog from me, you would sign a contract stating that if for any reason you cannot keep the dog, it will come back to me. Nevada needs to run Nevada and not allow the American Humane Society to run Nevada.

CHAIR MANENDO:

A constituent just sent me an e-mail and said, "Oh my God, the Puppy Patch is where I bought my 'Max,' and he was very, very sick, and almost died. And [I] spent a lot of money to get him back [in]to shape."

MS. KINNEY:

The earlier testimony about the dog with the heart operation being in contact with a dog with kennel cough illustrated the fault of the veterinarian for not keeping a contagious dog in a room separated from the healthy animals.

P. MICHAEL MURPHY (Clark County):

We are neutral, because Clark County already has an ordinance regarding puppy mills. Dave March is the Clark County Animal Control administrator, available in Las Vegas, if you have any questions.

CHAIR MANENDO:

Can we get a copy of that ordinance?

MR. MURPHY:

Yes.

MS. GREISEN:

I would like a clarification on S.B. 223 which increases the penalties for animal cruelty. Can Beverlee McGrath clarify that. I do not see NRS 574.100 in here, and I want to make sure that S.B. 299 does not impact S.B. 223.

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

CHAIR MANENDO:

It is not in this bill. I will close the hearing on S.B. 299 and bring it back to the Senate Committee on Natural Resources, and I am opening the hearing on S.B. 158.

SENATE BILL 158: Revises provisions governing the frequency of required inspections of the emissions of certain motor vehicles. (BDR 40-310)

SENATOR DON GUSTAVSON (Washoe County Senatorial District No. 2):

I will read my testimony on S.B. 158 ([Exhibit GG](#)). I am submitting an amendment to remove the reference to the 100,000 mile provision ([Exhibit HH](#)). You have information from the Department of Motor Vehicles (DMV) ([Exhibit II](#)). You have a copy from Andrew Goodrich ([Exhibit JJ](#)). You have Air Quality Trends ([Exhibit KK](#)). You have a copy of "Exceedence" Days ([Exhibit LL](#)).

JIM WHEELER:

I am in favor of S.B. 158. As former chief executive officer of Powerdyne Automotive products, I hold multiple United States patents for innovative automotive parts. I have achieved dozens of exemptions from the California Air Resources Board over the years, as well as Environmental Protection Agency (EPA) type approvals. I have been asked to help on engine design related to performance in carbon monoxide regulations. I do have expertise in this area. Since the inception of onboard diagnostics (OBD-II) in the mid-1980s, and since the federal mandates in the mid-1990s, we have seen vehicle manufacturers "clean up their act." This was caused by overseas competition building better and more efficient cars. It was also caused by federal regulations pertaining to emissions and fuel mileage. Included in the OBD-II systems, were monitoring and control of the main fuel air systems, as well as the complete emissions systems of all the vehicles. This made the cars more fuel efficient and more powerful, and even more emissions efficient. If you use less fuel, you create less emissions. We have seen cleaner air in Nevada and in our Nation, even with more vehicles added to the road every year.

Today's onboard diagnostics alert you if one of the emissions systems in your vehicle has gone out of range. This is done by emitting a check-engine light, and going into a limp-home mode when an anomaly is detected. All the systems are continually checked. Since improvements to vehicles have continually been made over the last 20 to 30 years, it is a waste to taxpayers to require emissions tests every year. It will also reduce the DMV paperwork at a time when our State budget is shrinking. Market conditions will dictate the revenues for the industry. Legislation should not create prosperity for any one industry or any one portion of an industry. If this bill passes, the industry may have to raise prices. Neither emissions checks nor the frequency of the emissions checks decrease emissions. Technology decreases emissions.

DICK WESTRUP:

I agree with S.B. 158. Emissions-testing stations are obsolete. They can be integrated with auto repair services. Too much control is overkill. In the 1950s studies were done with cities with major emissions problems. The cities in the study were Pittsburgh, Pennsylvania; Phoenix, Arizona; and Los Angeles, California. The study showed industry was the number one cause for the pollution. Pittsburgh was the only city that acted on the study and cleaned up the problem. The internal combustion engine has gone through an evolutionary change to control the emissions. Emission control and car

performance is self-governing. If the emission control goes bad, it will affect how the car runs. We have more cars on the road today and less emissions.

CHAIR MANENDO:

I have had constituents contact me about your bill. You have piqued the interest of people in southern Nevada.

KEVIN DICK (Director, Air Quality Management Division, Washoe County Health District):

The Washoe County Health District is opposed to S.B. 158 for the reasons indicated in my testimony ([Exhibit MM](#)).

DENNIS RANSEL (Manager, Air Quality Planning Division, Department of Air Quality and Environmental Management, Clark County):

I am here to testify against S.B. 158 as indicated in my statement ([Exhibit NN](#)). Eighty percent of the emissions for carbon monoxide are from gasoline vehicles, and we have successfully reduced that. The provisions contained in S.B. 158 have the potential of allowing increased emissions from motor vehicles, and could jeopardize Clark County efforts to maintain compliance with the National Ambient Air Quality Standards, [Exhibit NN](#). Not being in compliance will require Clark County to examine ways to reduce emissions further. If S.B. 158 is passed, funding will be reduced to the department by 67 percent of what we receive for this program, a little less than \$2 million, which pays for ten people. Reduced funding could affect the public health in Clark County.

PETER KRUEGER (Nevada Emissions Testers' Council):

The term OBD-II is the plug in a car system to test the emissions. It no longer requires a tailpipe system. It is a time- and cost-effective system for citizens to get their vehicles emissions tested. Emissions testing is how to identify the gross polluters. The industry is opposed to S.B. 158.

CHAIR MANENDO:

What is the minimal expense?

MR. KRUEGER:

It is \$12 in Clark County.

MIKE PRINCE (Terrible Herbst):

Terrible Herbst is opposed to S.B. 158. My concern is the impact on the workforce. If 30 percent to 40 percent of emissions testing is reduced, some of our 70 inspectors would lose their jobs.

LOU GARDELLA (Jiffy Smog):

The industry has invested millions of dollars in Clark and Washoe Counties in the current program. This investment was made based on EPA, State, and air-quality laws. We took care of the carbon monoxide problem, but we now have an ozone problem. The standard for ozone will be out in July. If this bill goes into effect, approximately 30 percent to 50 percent of emissions stations could close, making it less convenient for the consumer to find a nearby inspection station. The price of an inspection could go up 50 percent, making it a financial burden on the consumer. The only advantage the consumer will have is not having to get the emissions test every year. The test takes less than ten minutes. The emissions test is about air quality. We test vehicles because they break down. With this bill, an automobile that pollutes can be on the road for two years before the problem is corrected.

COLLEEN CRIPPS Ph.D. (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resource):

The Division of Environmental Protection (DEP), State Department of Conservation and Natural Resources (SDCNR) is neutral on S.B. 158. This bill is expected to have a fiscal impact on the DEP's air-pollution control program. Fees from the vehicle-emissions inspection program are deposited in the air-pollution control account, and are allocated to a number of different agencies. The DEP receives approximately \$2 million annually. By statute, this revenue is used to implement the air-quality monitoring, planning, inspections, permitting and compliance and enforcement. This revenue represents approximately 25 percent of the total air-control budget. Based on the DMV estimates, we will no longer be able to rely on this funding to support that program, and such a loss of revenue will have a significant impact on the DEP's ability to monitor air quality across the State, to develop implementation plans and emissions inventories, and to permit and monitor the compliance of regulated sources of air pollution.

WILLIAM S. STRIEJEWSKE (Senior Petroleum Chemist, Bureau of Petroleum Technology, Division of Measurement Standards, State Department of Agriculture):

I supervise the Bureau of Fuel Technology, under NRS 590.010 through NRS 590.150, referred to as the Nevada Petroleum Products Inspections Act. We ensure that high-quality compliance fuel for motor vehicles is sold throughout the State. We are concerned about the fiscal ramification of this bill. If passed, it would eliminate 100 percent of the funding for our program. As a NRS-mandated activity, it would be necessary for alternative funding to be found to continue our regulatory work.

LON BEAL (Administrator, Bureau of Weights and Measures, Division of Measurement Standards, State Department of Agriculture):

Division of Measurement Standards has two budget accounts that will be affected if this bill goes through. We will lose 100 percent of our budgets on programs we are mandated to do. We have 13 inspectors statewide who are mandated to sample fuel. If we lose the funding for the lab, we will have to ship samples out of state, costing about \$700,000 a year. Besides the loss of \$670,408 for fiscal year 2011, if it were in effect now, we would have the \$700,000 loss to do the sampling. The sampling is not just for emissions; we do it for octane and other aspects. It would seriously affect our program.

SENATOR GUSTAVSON:

I understand the industries' concerns. I understand the State's concern for loss of revenue. I have been debating this over the last three days on how to correct the problem. If we take the current \$6 fee and change it to a \$12 fee for a two-year certificate, the result would be the same amount of money. It is very rare to see extreme polluters. If California can do this, Nevada should not have a problem doing this.

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CHAIR MANENDO:

There being no further business, the Senate Committee on Natural Resources is adjourned at 7:34 p.m.

RESPECTFULLY SUBMITTED:

Sandra Hudgens,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 364	C	Beverlee McGrath	Part of amendment
S.B. 364	D	Beverlee McGrath	Letters of Support
S.B. 364	E	Beverlee McGrath	Winnemucca Charro Ad
S.B. 364	F	Beverlee McGrath	Winnemucca Charro Translation
S.B. 364	G	Senator Copening	Written Testimony
S.B. 364	H	Eric Mills	Written Testimony
S.B. 364	I	Eric Mills	Cesar Chavez letter
S.B. 364	J	Margaret Flint	Testimony
S.B. 364	K	Karen Goodman	Letter from Veterinarian Dr. David Lowell
S.B. 364	L	Willis Lamm	Support from Lyon County
S.B. 364	M	Christine Schwamberger	Written Testimony
S.B. 364	N	Joe Guild	Written Testimony
S.B. 364	O	Philip Hacker	Written Testimony
S.B. 364	P	Clark County Commissioner Tom Collins	Clark County ordinance on horse tripping
S.B. 364	Q	Clark County Commissioner Chris Giunchigliani	Letter of Support
S.B. 299	R	Beverlee McGrath	Written Testimony
S.B. 299	S	Beverlee McGrath	Mock up of proposed amendment
S.B. 299	T	Beverlee McGrath	Puppy Mill Fact Sheet

S.B. 299	U	Beverlee McGrath	Puppy Mill pictures and facts
S.B. 299	V	Commissioner Tom Collins	Clark County Ordinance on Puppy Mills
S.B. 299	W	Stacia Newman	Written Testimony with Pictures
S.B. 299	X	Stacia Newman	Newspaper articles on Puppy Mills
S.B. 299	Y	Stacia Newman	Video of Puppy Mill in Amargosa Valley
S.B. 299	Z	Karen Goodman	American Humane Association article
S.B. 299	AA	Karen Goodman	Breeding Club List and Breed rules
S.B. 299	BB	Karen Layne	Written Testimony
S.B. 299	CC	Margaret Flint	Cage stacking facts
S.B. 299	DD	Clark County Commissioner Chris Giunchigliani	Letter of Support
S.B. 299	EE	Dennis Wilson, D.V.M.	Written Testimony
S.B. 299	FF	Chris Vaught	Written Testimony
S.B. 158	GG	Senator Don Gustavson	Written Testimony
S.B. 158	HH	Senator Don Gustavson	Conceptual Amendment
S.B. 158	II	Senator Don Gustavson	DMV Statistics
S.B. 158	JJ	Senator Don Gustavson	Andrew Goodrich statement
S.B. 158	KK	Senator Don Gustavson	Air Quality Trends 2000-2009
S.B. 158	LL	Senator Don Gustavson	Exceedence Days
S.B. 158	MM	Kevin Dick	Written Testimony
S.B. 158	NN	Dennis Ransel	Written Testimony