

SENATE BILL NO. 72—SENATOR MANENDO

PREFILED JANUARY 17, 2013

Referred to Committee on Natural Resources

SUMMARY—Makes various changes concerning cruelty to animals. (BDR 50-114)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to cruelty to animals; prohibiting a person from intentionally engaging in horse tripping for sport, entertainment, competition or practice or from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving any money or other compensation for a charreada or rodeo that includes horse tripping; authorizing a charreada or rodeo to include a horse roping event under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in cruelty to animals and provides criminal penalties for a person who engages in that activity, including making a third and any subsequent offense within the immediately preceding 7 years a category C felony. (NRS 574.100) **Section 1** of this bill defines "horse tripping" as the roping of the legs of, or otherwise using, a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse or other animal of the equine species to fall. **Section 1.5** of this bill prohibits a person from: (1) engaging in horse tripping for sport, entertainment, competition or practice; or (2) knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving money or any other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes horse tripping. **Section 1.5** also prohibits a person from knowingly organizing, sponsoring, promoting, overseeing, conducting or receiving money or any other compensation for parking or for the admission to or attendance at a charreada or rodeo that includes a horse roping event in which a horse or other animal of the equine species is caught by the legs and then released unless the person first obtains a permit from the local government where the horse roping event is conducted. **Sections 4 and 5** of this bill require each board of



18 county commissioners and city council to enact an ordinance setting forth the
19 manner in which a person may apply for the issuance of the permit. This bill
20 imposes a criminal penalty against a person who is guilty of committing horse
21 tripping, and provides an exception for tripping a horse or other animal of the
22 equine species to provide medical or other health care.

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

1 **Section 1.** NRS 574.050 is hereby amended to read as follows:
2 574.050 As used in NRS 574.050 to 574.200, inclusive:

3 1. "Animal" does not include the human race, but includes
4 every other living creature.

5 2. "First responder" means a person who has successfully
6 completed the national standard course for first responders.

7 3. *"Horse tripping" means the roping of the legs of, or*
8 *otherwise using, a wire, pole, stick, rope or other object to*
9 *intentionally trip or intentionally cause a horse or other animal of*
10 *the equine species to fall.*

11 4. "Police animal" means an animal which is owned or used by
12 a state or local governmental agency and which is used by a peace
13 officer in performing his or her duties as a peace officer.

14 ~~4~~ 5. "Torture" or "cruelty" includes every act, omission or
15 neglect, whereby unjustifiable physical pain, suffering or death is
16 caused or permitted.

17 **Sec. 1.5.** NRS 574.100 is hereby amended to read as follows:

18 574.100 1. A person shall not:

19 (a) Torture or unjustifiably maim, mutilate or kill:

20 (1) An animal kept for companionship or pleasure, whether
21 belonging to the person or to another; or

22 (2) Any cat or dog;

23 (b) Except as otherwise provided in paragraph (a), overdrive,
24 overload, torture, cruelly beat or unjustifiably injure, maim, mutilate
25 or kill an animal, whether belonging to the person or to another;

26 (c) Deprive an animal of necessary sustenance, food or drink, or
27 neglect or refuse to furnish it such sustenance or drink;

28 (d) Cause, procure or allow an animal to be overdriven,
29 overloaded, tortured, cruelly beaten, or unjustifiably injured,
30 maimed, mutilated or killed or to be deprived of necessary food or
31 drink;

32 (e) Instigate, engage in, or in any way further an act of cruelty to
33 any animal, or any act tending to produce such cruelty; or

34 (f) Abandon an animal in circumstances other than those
35 prohibited in NRS 574.110.



2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or



(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. *A person shall not:*

(a) *Intentionally engage in horse tripping for sport, entertainment, competition or practice; or*

(b) *Knowingly organize, sponsor, promote, oversee, conduct or receive any money or other compensation for parking or for the admission or attendance of any person to a charreada or rodeo that includes:*

(1) *Horse tripping; or*

(2) *A horse roping event in which a horse or other animal of the equine species is caught by the legs and then released, unless the person first obtains a permit issued pursuant to NRS 244.359 or 266.325.*

6. *The provisions of subsection 5 do not apply with respect to tripping a horse or other animal of the equine species to provide medical or other health care for the animal.*

7. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~16-1~~ 8. Except as otherwise provided in subsection ~~15-1~~ 7, a person who violates subsection 1, 2 ~~10-3-1~~, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➔ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:



(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~7-1~~ 9. In addition to any other fine or penalty provided in subsection ~~5-1~~ 7 or ~~6-1~~ 8, a court shall order a person convicted of violating subsection 1, 2, ~~for~~ 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, ~~for~~ 3, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

~~8-1~~ 10. The court may order the person convicted of violating subsection 1, 2, ~~for~~ 3 or 5 to surrender ownership or possession of the mistreated animal.

~~9-1~~ 11. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; ~~for~~

(b) Operating a ranch ; or

(c) Carrying out the activities of a charreada which includes a horse roping event specified in subparagraph (2) of paragraph (b) of subsection 5 if a permit has been issued for the horse roping event pursuant to NRS 244.359 or 266.325.

Sec. 2. NRS 244.189 is hereby amended to read as follows:

244.189 1. Except as otherwise provided in subsection 2 and *NRS 244.359, and* in addition to any other powers authorized by *a* specific statute, a board of county commissioners may exercise such powers and enact such ordinances, not in conflict with the provisions of NRS or other laws or regulations of this State, as the board determines are necessary and proper for:

(a) The development of affordable housing;

(b) The control and protection of animals;

(c) The rehabilitation of rental property in residential neighborhoods; and

(d) The rehabilitation of abandoned residential property.

2. The board of county commissioners shall not impose or increase a tax unless the tax or increase is otherwise authorized by *a* specific statute.

3. The board of county commissioners may, in lieu of a criminal penalty, provide a civil penalty for a violation of an



ordinance enacted pursuant to this section unless state law provides a criminal penalty for the same act or omission.

Sec. 3. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, and NRS 244.33501, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, **244.359**, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or



(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification;

and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115



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1 and 244.3357, all information concerning license taxes levied by an
2 ordinance authorized by this section or other information concerning
3 the business affairs or operation of any licensee obtained as a result
4 of the payment of such license taxes or as the result of any audit or
5 examination of the books by any authorized employee of a county
6 fair and recreation board of the county for any license tax levied for
7 the purpose of NRS 244A.597 to 244A.655, inclusive, is
8 confidential and must not be disclosed by any member, officer or
9 employee of the county fair and recreation board or the county
10 imposing the license tax unless the disclosure is authorized by the
11 affirmative action of a majority of the members of the appropriate
12 county fair and recreation board. Continuing disclosure may be so
13 authorized under an agreement with the Department of Taxation or
14 Secretary of State for the exchange of information concerning
15 taxpayers.

16 **Sec. 4.** NRS 244.359 is hereby amended to read as follows:

17 244.359 1. ~~Each~~ *Except as otherwise provided in*
18 *subsection 4, each* board of county commissioners may enact and
19 enforce an ordinance or ordinances:

20 (a) Fixing, imposing and collecting an annual license fee on
21 dogs and providing for the capture and disposal of all dogs on which
22 the license fee is not paid.

23 (b) Regulating or prohibiting the running at large and disposal of
24 all kinds of animals.

25 (c) Establishing a pound, appointing a poundkeeper and
26 prescribing the poundkeeper's duties.

27 (d) Prohibiting cruelty to animals.

28 (e) Designating an animal as inherently dangerous and requiring
29 the owner of such an animal to obtain a policy of liability insurance
30 for the animal in an amount determined by the board of county
31 commissioners.

32 2. Any ordinance or ordinances enacted pursuant to the
33 provisions of paragraphs (a) and (b) of subsection 1 may apply
34 throughout an entire county or govern only a limited area within the
35 county which shall be specified in the ordinance or ordinances.

36 3. Except as otherwise provided in this subsection, a board of
37 county commissioners may by ordinance provide that the violation
38 of a particular ordinance enacted pursuant to this section imposes a
39 civil liability to the county in an amount not to exceed \$500, instead
40 of a criminal penalty. An ordinance enacted pursuant to this section
41 that creates an offense relating to bites of animals, vicious or
42 dangerous animals, horse tripping or cruelty to animals must impose
43 a criminal penalty for the offense. As used in this subsection, "horse
44 tripping" does not include tripping a horse to provide medical or
45 other health care for the horse.



1 4. *Each board of county commissioners shall enact an*
2 *ordinance setting forth the manner in which a person may apply*
3 *for the issuance of a permit specified in subparagraph (2) of*
4 *paragraph (b) of subsection 5 of NRS 574.100. The board of*
5 *county commissioners may impose a fee for issuing the permit in*
6 *an amount which does not exceed the actual cost of issuing the*
7 *permit. Notwithstanding any contrary ordinance of the county*
8 *which regulates or prohibits the catching of a horse or other*
9 *animal of the equine species by the legs and then releasing it, and*
10 *if the applicant has otherwise complied with all other applicable*
11 *ordinances of the county, the board of county commissioners shall*
12 *issue the permit to the applicant upon the submission of a*
13 *completed application and the payment of the fee, if any.*

14 **Sec. 5.** NRS 266.325 is hereby amended to read as follows:

15 266.325 ~~1-1~~

16 1. *Except as otherwise provided in subsection 2, the city*
17 *council may:*

18 ~~1-1~~ (a) Fix, impose and collect an annual license fee on all
19 animals and provide for the capture and disposal of all animals on
20 which the license fee is not paid.

21 ~~1-2~~ (b) Regulate or prohibit the running at large and disposal of
22 all kinds of animals and poultry.

23 ~~1-3~~ (c) Establish a pound, appoint a poundkeeper and prescribe
24 the poundkeeper's duties.

25 ~~1-4~~ (d) Prohibit cruelty to animals.

26 2. *Each city council shall adopt an ordinance setting forth*
27 *the manner in which a person may apply for the issuance of a*
28 *permit specified in subparagraph (2) of paragraph (b) of*
29 *subsection 5 of NRS 574.100. The city council may impose a fee*
30 *for issuing the permit in an amount which does not exceed the*
31 *actual cost of issuing the permit. Notwithstanding any contrary*
32 *ordinance of the city which regulates or prohibits the catching of a*
33 *horse or other animal of the equine species by the legs and then*
34 *releasing it, and if the applicant has otherwise complied with all*
35 *other applicable ordinances of the city, the city council shall issue*
36 *the permit to the applicant upon the submission of a completed*
37 *application and the payment of the fee, if any.*

38 **Sec. 6.** NRS 266.355 is hereby amended to read as follows:

39 266.355 1. Except as otherwise provided in subsections 3, 4
40 and 5, the city council may:

41 (a) Except as otherwise provided in NRS **266.325**, 268.0881 to
42 268.0888, inclusive, 598D.150 and 640C.100, regulate all
43 businesses, trades and professions.



(b) Except as otherwise provided in NRS 576.128, fix, impose and collect a license tax for revenue upon all businesses, trades and professions.

2. The city council may establish any equitable standard to be used in fixing license taxes required to be collected pursuant to this section.

3. The city council may license insurance agents, brokers, analysts, adjusters and managing general agents within the limitations and under the conditions prescribed in NRS 680B.020.

4. A city council shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

5. The city council shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

Sec. 7. This act becomes effective upon passage and approval.

