

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

**Seventy-Seventh Session
May 14, 2013**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Skip Daly at 1:41 p.m. on Tuesday, May 14, 2013, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Skip Daly, Chair
Assemblyman Paul Aizley, Vice Chair
Assemblyman Paul Anderson
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ira Hansen
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblywoman Heidi Swank
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Senator Ben Kieckhefer, Senatorial District No. 16
Senator Michael Roberson, Clark County Senatorial District No. 20

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Cheryl Williams, Recording Secretary
Ashlynd Baker, Committee Assistant

OTHERS PRESENT:

Ed Lawson, Member, Sparks Rotary Club
Rob Buonamici, Chief Game Warden, Division of Law Enforcement,
Nevada Department of Wildlife
Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department
of Wildlife
Kyle Davis, representing Nevada Conservation League and Education
Fund
Warren B. Hardy II, representing The Humane Society of the United
States
P. Michael Murphy, representing Clark County
Joel Blakeslee, representing the Zoological Association of America
Elaine Carrick, Private Citizen, Reno, Nevada
Valerie Holt, Private Citizen, Moapa, Nevada
Scott Shoemaker, Private Citizen, Pahrump, Nevada
Zuzana Kukol, Private Citizen, Pahrump, Nevada
John Potash, Private Citizen, Fernley, Nevada
Tim Stoffel, Private Citizen, Reno, Nevada
Jim Martin, representing Sierra Nevada Zoological Association
Keith Evans, Private Citizen, Henderson, Nevada
Carrie Marques, Private Citizen, Las Vegas, Nevada
Christine Schwamberger, representing Nevada Political Action for Animals

Chair Daly:

[Roll was taken and meeting protocol was reiterated.] We have four bills on our work session today. We will get straight to our work on Senate Bill 181 and welcome Senator Kieckhefer and my city councilman from Sparks.

**Senate Bill 181 (1st Reprint): Revises provisions relating to fishing.
(BDR 20-178)**

Senator Ben Kieckhefer, Senatorial District No. 16:

Senate Bill 181 (1st Reprint) is a pretty clean piece of legislation, which is not always the case. To my left is Sparks City Councilman Ed Lawson, who is here representing the Sparks Rotary Club, which is the organization that brought me this bill. To my right is Rob Buonomici, chief game warden for the Department of Wildlife.

Senate Bill 181 (1st Reprint) tries to rectify a problem the Sparks Rotary Club ran into last summer when it tried to implement a free fishing day on behalf of individuals with disabilities in northern Nevada. Statewide, there is a free fishing day, and at the Sparks Marina, there is a fabulous event that takes place for children. Kids are brought out by the hundreds, if not thousands. The day before that free fishing day, the Sparks Rotary Club tried to organize a free fishing event for individuals with developmental disabilities. The problem that arose was that the licensing provisions to create a special license to allow this type of event to occur were too restrictive and did not allow it to happen within the guidelines of statute. As a result, what you have before you is an effort to remedy that.

Ultimately, the bill amends *Nevada Revised Statutes* (NRS) 502.077, which dictates the rules regarding special fishing permits. In section 1, subsection 1, paragraph (g), it adds the language "Club, foundation, program, educational institution or other social group that will use the permit for the benefit of adults with disabilities." In the instance that I am trying to remedy, that would be the Sparks Rotary Club. It also very importantly strikes the language from section 1, subsection 2, paragraph (e) that says, "May authorize no more than 15 members, students, pupils, patients or children, respectively, to fish." There was a cap on the number of people who could fish under a special fishing permit, but when you try to organize an event that is going to be more open to the public, you may not know how many people are going to attend. That makes it nearly impossible to operate under such a license because it also was restricted in that you could have no more than two permits per year based on the language in section 1, subsection 3. We are also striking that language. This bill is just trying to open things up for individuals like this.

In subsection 5, we see some new language that authorizes the director of the department or his or her designee to expedite an application for a special permit. If, for some reason, one is recognized as being needed, it can be done quickly and fall within the rules governing the statute.

I will turn things over to Mr. Lawson to describe the event, and we will try to keep things brief.

Ed Lawson, Member, Sparks Rotary Club:

As Senator Kieckhefer said, on the free fishing day, which is on June 8 this year, we have approximately 3,000 to 5,000 people show up. We give away 2,000 fishing poles. We feed 2,000 people. We give away T-shirts and other things. That day is pretty crazy. When we put 6,000 fish behind a net, we get a lot of people out there, obviously. We try to accommodate our special needs folks by using the dock at the marina. It became too overcrowded. It was too hard to use, and there were accessibility problems. As a result, we thought it would be best to have another day. We did not know how many were going to show up last year, but we had 65 disabled adults and children show up for free fishing day. This year, the word has gotten out in the community, and we are expecting somewhere around 150 adults and children with disabilities to attend. They all come with their coaches. It is a wonderful day for them to occupy a space that is normally occupied by 2,000 to 3,000 people, but as 100 people, they get one-on-one attention.

We feel like this is the right thing to do. We want to make everything legal because it is a great thing to do for the community. We appreciate your consideration.

Chair Daly:

Are there any questions from the Committee? Seeing no questions, is there anything you would like to add, Mr. Buonamici?

Rob Buonamici, Chief Game Warden, Division of Law Enforcement, Department of Wildlife:

The Department of Wildlife is in full support of this bill.

Chair Daly:

Are there any questions from the Committee? Senator Kieckhefer, you mentioned two things about which I wanted to know more of the history. You take away the limit of 15 people and the two times per year. Why did we have the limit and what was the original need to have that? What is the history? Can you show us that opening this up is not going to cause any problems, overuse, or overfishing? If there are 150 people, I hope you have more than one person having the permit. A little history would be helpful.

Rob Buonamici:

The history behind that is this was originally intended for mental health facilities and rehabilitation facilities. The thought was that we did not want too many people out there with these disabilities that are unsupervised, so the ratio of 15 to 1 is what came about. In reality, that is not necessary, but that was the original rationale behind that.

Chair Daly:

Besides adding a new provision about adults with disabilities and those types of groups, you can still include juveniles and all the other issues, but you can have more than 15 people and more than twice a year. Are you not anticipating any issues with that if you involve children? I suppose that you are saying that one permit is good, but hoping that they have enough sense to have more than one chaperone for 150 kids.

Rob Buonamici:

That is exactly correct. These organizations are responsible organizations. I do not think they need the oversight and legislation that this former statute provides. These changes are definitely acceptable for us.

Chair Daly:

I wanted to get on the record that we are moving in the right direction, and it has not been an issue. We do not anticipate any issues. This bill will allow for the use of this permit for the express purpose to allow these people in those situations to carry on and get the events that they want going with the number of people that they hope to have participate.

Assemblyman Thompson:

Is this permit only good for an annual usage or are they able to use it when therapeutically necessary, like when they want to take some of their clients out?

Senator Kieckhefer:

This is a one-day permit. The permit is specific for one day in its issuance.

Rob Buonamici:

I believe the permit can be issued for the duration of an event, if it were a two-day event. It could also be issued if there are multiple events. For example, if an organization wanted to conduct this activity on the first of every month.

Senator Kieckhefer:

It is for a specific moment in time. It is not open-ended.

Assemblyman Thompson:

This does not exclude those groups from participating in that annual day, or does it?

Senator Kieckhefer:

No, it does not. This would be in addition to anything that is open to the public.

Assemblyman Thompson:

Then, on the day where there is free fishing and there are 4,000 people, we would still arrange accommodations for those individuals with disabilities to participate with everybody else.

Senator Kieckhefer:

I will let Mr. Lawson speak to that, but I cannot imagine them turning anybody away.

Ed Lawson:

We are very proud of this event, and we hope that it grows to be as big as the Nevada free fishing day that occurs on the first Saturday of every June. We hope that we have that problem, quite frankly, in the future of having thousands and thousands of special needs folks coming out to fish. For me, it is just about their faces and being there. It is not really about fishing as much as it is about the experience. I have some wonderful memories from last year.

Assemblywoman Cohen:

I want to make sure that, in the language, we are not inadvertently leaving out chaperones. Do you feel that is covered enough in here? I would hate to see a chaperone have trouble because they tried to fish with one of the people with special needs.

Rob Buonomici:

I believe that the organization is only required to have one person with a fishing license and that person with the permit on scene. For example, if the organization decides that for every five people they will have a chaperone, that chaperone is not required to have a fishing license.

Assemblywoman Cohen:

Thank you. I was a little concerned because of the language in section 1, subsection 4.

Rob Buonomici:

I believe that is covered in section 1, subsection 2, which says that at least one officer or employee of the organization described in section 1 is both in possession of a valid Nevada fishing license and present at the site.

Assemblywoman Cohen:

I did catch that, but I wanted to make sure that there was not a conflict if, for example, you have a couple of parents, friends, or caregivers who want to participate with the group. I want to make sure we are covering them.

Rob Buonomici:

I believe that is covered in that.

Ed Lawson:

The practicality of the matter is that most of these folks are severely disabled and have a full-time caregiver anyway, whether it is a parent or a hired professional that is with them. I would say nine out of ten come with their personal one-on-one coach. That goes for the bowling and other activities they do. I have been involved in all of those, and usually every single one comes with someone else. There was one group I had last year where a woman had five kids with autism with her, but most of the chaperones are not a big deal.

Assemblyman Livermore:

I would like to congratulate the Sparks Rotary Club and Senator Kieckhefer for bringing this bill forward. There are a couple of events like this in Carson City, where we have the fishing pond. You will find Kiwanis down there with free fishing day. I have supported it myself by providing resources and taking an ad out. To have these events and to give away fishing poles, you need resources. In the long run, it turns people to buying a fishing license because they had fun the first time and enjoyed the event. They may have caught a fish that you catch once in your life. They know there are more fish in the pond, and they want to go back. My hat is off to both of you gentlemen for bringing this forth, and I wish you the best of luck at your event.

Chair Daly:

Are there any other questions or comments from the Committee? [There were none.] We will open the microphones for testimony in support of S.B. 181 (R1) here or in Las Vegas.

Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department of Wildlife:

The commission is fully in support of S.B. 181 (R1). On a personal note, I have been able to attend the Rotary events at Sparks Marina, and they are outstanding.

Kyle Davis, representing Nevada Conservation League and Education Fund:

We are in support of the bill.

Assemblyman Daly:

Are there any questions from the Committee? [There were none.] Is there anybody else wishing to testify in support? [There was no one.] Is there anybody here or in Las Vegas wishing to testify in opposition to S.B. 181 (R1)? Seeing no one, I will take testimony in neutral. Seeing none, I will close the

hearing on S.B. 181 (R1). I will open the hearing on Senate Bill 245 (1st Reprint).

Senate Bill 245 (1st Reprint): Enacts provisions relating to captive wild animals.
(BDR 20-161)

Senator Michael Roberson, Clark County Senatorial District No. 20:

I am going to read some testimony that is going to be a lot longer than the bill. As my good friend, Senator Segerblom, always says, this is a simple bill. In this case, it is. It is two sentences. I will read the bill first. Section 18, subsection 1 says, "A board of county commissioners may adopt an ordinance to regulate the importation, possession, sale, transfer or breeding of captive wild animals." The important word there is "may." This is enabling legislation. Section 18, subsection 2 says, "An ordinance adopted pursuant to subsection 1 may provide for, without limitation, reasonable and necessary fees, registration requirements, humane care standards for captive wild animals and the definition of 'captive wild animal.'" Again, we use the word "may."

For a few years now, states across the country have begun to regulate the private ownership of dangerous wild animals as pets. As the states surrounding Nevada have adopted laws in this regard, our national reputation as a haven for the private ownership of these dangerous animals has increased. In fact, Nevada is now one of only six states with only minimal laws on the books regulating the ownership of these animals. Even more critical, every state surrounding Nevada and every state in the western half of the United States has stronger policies in this area than we do.

I am growing increasingly concerned with the proliferation of these pets, particularly in Nevada's populated urban areas. I sponsored Senate Bill 245 (1st Reprint) because I believe it is time for Nevada to follow this commonsense trend and enact legislation to address this public safety and animal welfare issue. The bill before you today will allow counties to enact an ordinance regulating the importation, possession, sale, transfer, or breeding of captive wild animals. Today, local governments have not had the autonomy to implement such laws due to Dillon's Rule. They can do little to address the public safety risk in their own communities.

Unfortunately, we had an event in Las Vegas last summer that illustrates the need for action on this issue. Last July, the escape of two chimpanzees from a backyard cage in a Las Vegas residential neighborhood demonstrated the danger wild animals pose to the community. The chimpanzees ran amok, and one of them was shot. This incident demonstrates that there is a free-for-all in Nevada when it comes to owning dangerous wild animals. The fact that

counties cannot even prohibit these practices is astounding. When wild animals are legally permitted to be kept in private hands, citizens, who may not even know that a chimpanzee or tiger lives next door, are put in harm's way, and emergency responders are thrust into dangerous situations. These animals can and do cause death, inflict serious injury, and spread deadly disease. Ultimately, taxpayers and sanctuaries shoulder the financial burden for irresponsible individuals who acquire these animals due to weak or nonexistent regulations. In the western United States, Nevada is currently an island where the private ownership of dangerous animals can thrive with little or no regulation. I would encourage the counties to act swiftly and resoundingly to enact regulations based on this important legislation.

I am happy to take any questions. There are some other proponents of the bill here, and I am sure they will speak on the bill as well. It is a two-line bill that is enabling legislation. I recognize that one county in Nevada is different from another. The needs of the rural areas are different from those of the north, which are different from the needs of the south. Each locality can determine their policy about wild captive animals with this enabling legislation.

Assemblyman Ira Hansen:

Is there a need for this? Is there currently a prohibition where counties are not able to do this? Why do we have to do this through state law? If you are in Clark County, can they not pass an ordinance dealing with this?

Senator Roberson:

Yes, that is correct. In Clark County, the only way we can regulate this is through land and zoning issues.

Assemblyman Paul Anderson:

I wanted you to clarify Dillon's Rule to make clear why the legislation was needed.

Senator Roberson:

The basic philosophy behind Dillon's Rule is that local governments are mere instruments of the state. Local governments cannot do anything without express authority by the state. That is the law of the land here in Nevada. We simply want to give functional home rule on this issue to local governments so they can make this decision for themselves.

Chair Daly:

Are there any other questions from the Committee? [There were none.]

Warren B. Hardy II, representing The Humane Society of the United States:

When the bill came forward on the Senate side, it was much more comprehensive. It provided a very detailed definition of what dangerous wild animals are. It was very specific in terms of the prohibitions that would be implemented. However, as you know, this is a building of compromise. As a result, we had some concerns, particularly from the rural areas, about how this might be implemented as a state law. I will say, we reluctantly agreed to the amendments that led to the bill that is before you today. Nevertheless, we do wish this legislation would go forward as we originally proposed it, but we understand the desire to have this dealt with at the local level. We will do all we can to work with the counties to address that.

I would be happy to answer any questions.

Assemblyman Thompson:

Do you have some current framework for the counties? If you followed the story of the two chimpanzees, within the board, not everybody is on the same page. Some people feel like it is okay. Is this legislation to make sure that people do not have wild animals, or is it to put some guidelines that if you do have a wild animal, these are the provisions that you have to abide by?

Warren Hardy:

The legislation before you today does not contain any of those guidelines. However, we would submit that the original version of S.B. 245 (R1) would give a good guideline of where to start on this legislation. It was made up largely of some of the model legislation from across the country. Initially, there was a proposal. We initially went to Clark County. Just to be clear, this legislation was conceived before the chimpanzee incident occurred. This is not a response to the chimpanzee escape, which occurred approximately two or three weeks after we approached Senator Roberson about sponsoring the bill. At that point, the county stepped forward and said they would like to enact an ordinance. It was in the process of that when we discovered, per the county's legal counsel's advice, that their only mechanism for dealing with this issue is through the zoning laws. It was at that point we recognized a decent compromise on this was to provide the local governments the home rule ability to deal with this issue exclusively. There is no direction or guideline, but there is sufficient and significant model legislation across the country that the local government can refer to.

Assemblyman Hansen:

I have a question for Mr. Stephenson, our legal counsel. Is there currently some kind of prohibition in state law that does not allow a county to have this ordinance? Was the chimpanzee situation something the county could not have

dealt with except through zoning ordinances? What is specifically in our statutes that prevents them from regulating something like that?

Randy Stephenson, Committee Counsel:

I can tell you what is currently in *Nevada Revised Statutes* (NRS) concerning the county's authority to control animals. If you look at NRS 244.189, subsection 1, paragraph (b), it states that a board of county commissioners may exercise such powers and enact such ordinances that the board determines necessary and proper for the control and protection of animals. If you go to NRS 244.359 subsection 1, paragraph (b), each board of county commissioners may enact and enforce an ordinance "Regulating or prohibiting the running at large and disposal of all kinds of animals." Whether that acts as a prohibition is not something I care to say one way or another. Those two sections do provide rather broad general authority concerning all kinds of animals. With the language in this particular bill, there is no question. It is specific as to captive wild animals and the possession, importation, sale, transfer, and breeding. I hope those two sections help, but there is some broad and general authority to control and regulate animals.

Warren Hardy:

The issue is there seems to be some disagreement, so the legislation before you clarifies that. We do have local city ordinances that ban the possession of dangerous wild animals. For example, Henderson has such ordinances. However, there seems to be a broad range of interpretations about what powers are available. This legislation is designed to clear that up once and for all and specify that they do have the authority. The other thing we should not overlook is the legislative declaration at the beginning of the bill that provides the legislative finding that the possession of these animals is a public policy issue that should be addressed. Again, the purpose of this is to clear up any misunderstanding about whether local governments can do this.

Assemblyman Ellison:

Do you think in some ways this might confuse some of the issues out there? In some counties, you have wolves and hybrids. Some counties allow it and some counties do not, so how are you going to address this?

Warren Hardy:

I appreciate the question, which articulates our point of view on this and the reason we came forward with a piece of legislation that would control across the state. Again, our original intent was to have state guidelines on this for that very reason. We worked for close to a year with the various agencies to try to make sure that hybrid wolves, for example, were not included as dangerous animals. We removed a number of the dangerous animals because there was

a question about how dangerous they really are. We narrowed it down, but that is precisely why we came with the comprehensive legislation in the first place. We do think it is best dealt with at the state level; however, the work done in this building is the art of compromise, so that is why we are here today.

Assemblyman Livermore:

When I was a county official, animal control had a large variety of local ordinances that dealt with the ownership and care of animals. We even went as far as declaring an urban chicken was allowable within residential neighborhoods of a certain amount of square feet. They most recently had a town hall meeting declaring the number of dogs that fit within a parcel and whether they were a breeder or not. I went back and read the ordinance, and it does not say a lot, but it does have some different words that include the exotic and captive wild animals. "Captive wild animals" is an interesting concept. Can you describe and define that?

Warren Hardy:

To your first point, this would clarify without any question that the local government has the ability to adopt the ordinance. If there were any question, or if somebody were to challenge the ordinance that the Legislature adopted, this would clarify that they had the ability to do that.

The term "captive wild animal" was a compromise term with the activists that own these animals. We use that language at their request. Initially it was "dangerous wild animals," and there was some objection that not all wild animals are dangerous. As a result, we use that language. I think that language is taken from other states and is more acceptable as terminology.

Assemblyman Livermore:

Some of these animals have never been captive; they have just been bred. That is why I say if there was an issue of proving that the animal was captive or bred, how does that stand in a court of law?

Warren Hardy:

I will have to get back to you on that for an exact answer. However, I would say that "wild animals" is a fairly accepted definition for certain types of animals.

Assemblyman Thompson:

I have a question about the exhibit we have from Roos-N-More Zoo ([Exhibit C](#)). It is my understanding that they submitted an amendment, and I am wondering if we have addressed that since they have animals for educational purposes.

They have three pages of the various schools in Nevada that they work with. Could you explain that?

Warren Hardy:

I have not seen that submission, but my guess would be that was to the original bill. They were one of the primary groups that came forward with concerns about how this might affect them. The bill, as it exists today, does not affect them or anyone else in any way except that it allows the counties to adopt ordinances. I do not think that amendment is germane to the bill in front of you today.

Assemblyman Thompson:

Would it be necessary for them, in this example, to team up with the county commission when they get ready to draft their ordinance?

Warren Hardy:

That would be the exact process. They will be notified if and when the county decides to proceed with an ordinance, and they will have the opportunity to give their input then.

Chair Daly:

Are there any other questions from the Committee? [There were none.] I have a question for our legal counsel. I see the language stating, "A board of county commissioners may adopt an ordinance." Will that cover everywhere within a county? I do not believe it will cover incorporated cities.

Randy Stephenson:

This bill does not, on its face, limit the territory of jurisdiction of the county to enact an ordinance anywhere in the county. Normally, it would not include an incorporated city because, presumably, an incorporated city would have the authority to adopt an ordinance within the city. Certainly, under this bill, any ordinance adopted under this bill would operate territorially the same as any other ordinance that a board of county commissioners would pass, which would normally include everything within the county.

Chair Daly:

Counties can adopt an ordinance that says you can only do this. If it were stricter than what is in the city, then the county ordinance would be in effect. If it were less restrictive, then the city ordinance would be in effect, if there were one. If we have given the city authority, obviously not clearly in this law, maybe they have similar language as you were citing earlier in NRS Chapter 244. Then, it becomes a matter of jurisdiction. If I am in Sparks, I do not see the sheriff coming to enforce an ordinance very often, though

I suppose he could. Usually, it is the Sparks Police or Las Vegas Metropolitan Police or whoever. It might be different in Clark County. I am curious if we need to include the cities.

Warren Hardy:

Our understanding is that the county ordinance would control in those cases of jurisdiction. I think there is some feeling that the local governments have the ability to enact these ordinances without this legislation being necessary.

Randy Stephenson:

This bill specifically confers the authority on a board of county commissioners, so the jurisdiction of a city council of an incorporated city is not addressed in this bill at all. Whatever animals they can currently regulate, whatever activities they can currently regulate within the boundaries of the city, remains the same whether this bill is enacted or not. This bill is specific to a board of county commissioners.

Chair Daly:

Are there any other questions from the Committee? [There were none.] I will take testimony in support of S.B. 245 (R1).

P. Michael Murphy, representing Clark County:

We rise in support of this bill and thank the sponsor. As you have heard, there have been many adjustments made to it. We realize that this is enabling legislation that would allow us to go back to the county commission and deal with the complicated process of what would and would not be appropriate. As you know, we had the issue involving the chimpanzees. We had a rather large snake that required five or six police officers to hold on to. It was longer than a vehicle. We think this is a time where it is appropriate for us to start adjusting these things.

The original bill that was brought forward addressed many different issues, such as exempting circuses and performing animals. I believe that it is comprehensive and that the county commission will have to take a large amount of time to address all of those and to make sure they have addressed everyone's concerns. We believe enabling us to begin that process is appropriate. We thank you for considering it. I will answer any questions that I can.

Chair Daly:

Are there any questions from the Committee? [There were none.]

Joel Blakeslee, representing the Zoological Association of America:

We are in favor of this bill as it stands. This bill was one of the most controversial bills in the session. We had considerable negotiations with The Humane Society of the United States and came to this place in the Senate. We are comfortable with it the way it is, and that is all I have at this point.

Chair Daly:

Are there any questions from the Committee? [There were none.]

Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department of Wildlife:

The Nevada Board of Wildlife Commissioners is in support of S.B. 245 (R1).

Elaine Carrick, Private Citizen, Reno, Nevada:

I am currently a member of the Washoe County Animal Control Board and have been for four years. I support this bill. We have been in positions where we look at exotic animals that we need to approve to stay in people's homes. I think it is a difficult thing to do. I would prefer that we did not have to make those decisions. For instance, we did approve a bobcat. It was a small animal, and it ended up at the Animal Ark in Reno because the people could not take care of it. We have also had to look at python permits and so forth. Wild animals, whether they are bred in captivity or not, are still wild animals. I really support this bill.

Valerie Holt, Private Citizen, Moapa, Nevada:

I am in support of S.B 245 (R1). I am the owner and director of Roos-N-More Zoo. I am also a member of the Zoological Association of America. I am in support of the bill. We need to have some regulations in place and those regulations need to be reasonable. We have worked with Clark County Animal Control. My husband is also an exotic animal veterinarian. We each have almost 25 years of experience in dealing with these animals. We helped Clark County Animal Control when the chimpanzees escaped. We helped find a place for C.J., and we worked with all of them in this. We have met with Clark County Animal Control here, and we are trying to find something that is reasonable. I think a lot of us agree that there should not be a tiger in the back yard. We have tried to talk to them about putting together an expert panel and adopting some rules and regulations. We even presented all the standards that the Zoological Association of America has already written to help them set guidelines as to the caging size or wire strength and so on ([Exhibit C](#)). I am in support of this bill as it is written.

Chair Daly:

Are there any questions from the Committee? [There were none.] Is there anyone in Clark County? [There was no one.] At this time, we will take testimony in opposition.

Scott Shoemaker, Private Citizen, Pahrump, Nevada:

I am the director of REXANO, responsible exotic animal ownership. I also serve on the Nye County Animal Advisory Committee. I can probably answer some of the questions that were brought up earlier. The question came up whether counties can or cannot enact ordinances, but 14 out of 17 counties already have some form of exotic animal regulation. The City of Henderson and North Las Vegas have bans. With this legislation going forward, I am getting kind of confused, with Senator Roberson's statement on Dillon's Rule, whether those bans and regulations are valid. Have they been enforcing something that they had no authority to enforce?

As far as the definition of captive wild animals, it was actually my recommendation. I am that activist. It comes out of *Nevada Revised Statutes*, which defines wildlife. Rather than search for some new definition, it is better to use a definition that already exists. The possession of live wildlife is addressed in NRS 504.295, which states, "Except as otherwise provided in this section and NRS 503.590, or unless otherwise specified by a regulation adopted by the Commission, no person may: (a) Possess any live wildlife unless the person is licensed by the Department to do so." In the *Nevada Administrative Code* (NAC), there are long lists of what is prohibited and what does not need a permit or license.

As far as Clark County working on their new ordinance, I have been meeting with them. I live in Nye County, but we have just enacted a comprehensive ordinance. I am a little confused whether they are saying we cannot do this or we can, because Nye County is going right ahead and enforcing their ordinances, as are Clark County and the other 14 counties. The counties that do not have regulations do not have them mainly because almost nobody lives there and nobody has exotic animals there.

Chair Daly:

Are there any questions from the Committee?

Assemblyman Paul Anderson:

Are you opposing the bill because you think it is duplicative and that we already have ordinances in place? This bill is not creating any ordinances.

Scott Shoemaker:

Correct, it is not creating new ordinances. Are the current ordinances on the books authorized? I am getting a little confused.

Assemblyman Paul Anderson:

I am not sure that this bill necessarily addresses that, but we can clarify that.

Scott Shoemaker:

We were working under the assumption of NRS 244.359, so if we are already authorized to do it, why reauthorize the counties to do what they are already doing?

Zuzana Kukol, Private Citizen, Pahrump, Nevada:

I have been a reptile owner most of my life. I have owned big cats for almost 20 years now. I live in Pahrump. I would like to address some of the misinformation that Senator Roberson said in his speech. In terms of public safety, in the last 25 or more years, there was only person killed in Nevada by an exotic animal. That person was a tiger trainer. That is an occupational hazard. It was not some innocent neighbor being attacked by a tiger on his way to buy a beer.

In comparison, in the last five years, six people in Nevada died in incidents involving domesticated animals. Two people were killed by horses. Four people were killed by dogs. Obviously, domesticated animals are the ones who are killing people, not exotic animals.

Another piece of misinformation was about addressing caging in the original bill. The bill did not address caging. Most of the wording in the original bill was about how to confiscate animals, which are property under the constitutions of the United States and Nevada. There were some constitutional issues in that bill, and I am glad the original language is no longer in the bill.

Now, Senator Roberson was saying that people have tigers in their back yard and the neighbors do not know. I do not know how you would not know. Tigers and lions roar, and you can hear them for miles. If the neighbor does not know, then he has different problems than a tiger living next door. Another piece of propaganda is that Nevada is a free-for-all. It is not a free-for-all. The Department of Wildlife regulates most of the animals in the animal kingdom. Mr. Buonamici can confirm what I am saying. The last thing I want to address is the statement that Nevada is a haven for exotic animals. So be it. We need more tourists. If we have tourists coming here from other states, go ahead. We have prostitution, legal gambling, and 24/7 booze. If exotic animals are another thing that other states do not have, fine, we will have more tourism.

We need more jobs. We need a better economy. I think we should just dare to be different.

Chair Daly:

Are there any questions from the Committee? [There were none.]

John Potash, Private Citizen, Fernley, Nevada:

I am the vice president of Close Encounters Wildlife Adventures. I am a facilitator for the Sierra Nevada Academy of Kindred Ectotherms. I am the owner of Get Rattled, a rattlesnake avoidance training school for dogs. I am a lifetime Nevada resident, and I have been opposed to S.B. 245 (R1), and I still am, even in its current state. I feel that it is a waste of valuable time and taxpayer dollars to consider, let alone create, redundant legislation that accomplishes nothing new. Local governments already have the authorization to create their own regulations as necessary as evidenced by 14 of 17 counties, as well as many cities and townships, already having laws on the books regarding captive wild animals.

I sat on the Washoe County Animal Control Board for eight years, having chaired the board for four of those years. Our board made numerous decisions on approving permits under county regulations. Am I to understand that these permits, along with the hundreds of other permits issued throughout the state, are no longer to be considered valid? As I understand it, local governments do not need this bill to give them permission to do things that they already have the authority to do, and have for many decades. I believe it is unnecessary and a waste of time, so I ask that you please vote no on this bill now.

Chair Daly:

Are there any questions from the Committee? [There were none.] I think the testimony has hit on some of the issues that come forward when you have a bill like this that addresses a specific issue. You are right. We have definitions in law for wildlife, which is managed for that purpose. Within wildlife, we have upland game birds, big game animals, fish, and various other things. It is not that the other animals are not wildlife, but they are not viewed, regulated, or managed in the same way. We do not have tags or licenses for squirrels. They are still wildlife, but they are not managed or viewed the same. Of course, we have separate laws, regulations, and rules for definitions of livestock and exotic livestock, such as llamas and camels and a variety of different animals that people might have. I think the use of the words "captive wild animals" is trying to hit a separate set that is a non-native species.

We had another bill this session where we were talking about the sale of live animals at a swap meet. We had to specifically exclude livestock.

You could not sell reindeer unless you were at a swap meet where it was permitted. Although, we did not have to say reindeer, which would have been a captive wild animal because it is not a native species, in my opinion. It certainly did not regulate goldfish or invertebrates like mealworms or baitworms.

When we are starting to talk about these things, we have to categorize what it is we are talking about and make sure the definitions do not overlap. We also have to make sure that we leave out what we intend to leave out and include what we intend to include. You are right about some of the ordinances and various things, but this bill makes it clear they can adopt an ordinance for captive wild animals. I do not know that we helped anything by not defining "captive wild animals." We do know that it is not livestock or big game animals, but maybe it is fish. Those types of things are left undone on this bill.

Having said that, I am interested in hearing the testimony from the interested parties and what will actually happen. We are going to leave some of this to the counties. As you said, 14 of 17 counties have already done something under the existing statutes and ordinances. They are certainly not consistent. They are not doing it all the same, so what may not be legal to have in Clark County might be legal to have in Lincoln County. What are we accomplishing? State law brings a certain amount of consistency. Consistency in the definitions would mean that all of the counties are looking at the same animals for the same purposes and the same type of regulations. I am sure you had a lot of discussion on those types of things

Really, this is very narrow, watered down, almost redundant, but it is a discussion-point type of bill. Those are some of the issues. I am hoping some of our freshman legislators might bring a bill next session to put a little more meat on this. Maybe there will be some discussion here today. Those are the things we have to clearly identify so that we know what we are talking about, what we want to do, and what authority we want to give to the counties that they may not already have. We also need some framework for it to be consistent so that you do not have counties potentially competing against each other, especially as close as Carson City is to Lyon County. One county might have a more liberal rule than the next county is going to have because they want to attract certain people that have these types of animals or a certain pet trade or whatever it might be.

Scott Shoemaker:

The Department of Wildlife currently regulates the possession of wildlife. They do have regulations concerning bears, cougars, and bobcats. It is quite simple. They have caging requirements and an application process. They make a differentiation between commercial and noncommercial ownership. A person

applies to get their permit. It is not a question of whether someone should or should not have those animals; it is how they address the public safety issue of making a minimum caging standard and applying for ownership. It does not matter whether that person is commercial or noncommercial or a member of a particular organization; they set the standard. They have a certain list of some of the animals that they want to be regulated.

Chair Daly:

They stick to native species, I am assuming.

Scott Shoemaker:

Yes, they do have that for native species, but they have the authority to do that for all species.

Chair Daly:

They are not regulating tigers because they are not regularly found in the state.

Scott Shoemaker:

Nevada Administrative Code 503.140 lists species for which certain permits and licenses are not required. In NAC 503.110 are restrictions on importation, transportation, and possession of certain species. There is a long list of species, including fish, mollusks, and everything else covered, that are allowed to be brought into the state of Nevada. There are certain animals that require a permit, but that have no caging standards because they are small and do not present a public safety issue.

Warren Hardy:

Thank you for the opportunity to address your points. I think they were very well articulated in what we attempted to do with the original bill. It is discouraging to me. I have been involved in this process for 25 years. As I indicated, the art of compromise prevails up here, or it should. The opponents of the legislation told us repeatedly that this is an issue that should be resolved at the local level. Currently, if there is the ability of local governments to address this as they have testified, I do not know why there is reluctance to support this bill and further clarify that point. I do not understand the opposition at this point. I appreciate your comments, Mr. Chairman, because I think they were more articulate than I could have been in expressing the reason we came forward with this bill. I guess after 25 years in this building, I am still learning lessons about who I should compromise with and who I should not compromise with, and I will take those lessons into the future.

Chair Daly:

In certain situations, I would say the same. I understand where this is. I was just pointing out, as an observer of the process for many years, there is no problem where a solution is ever as simple as it seems. Let us continue with opposition.

Assemblyman Ira Hansen:

Have any of the county governments come forward to say that they needed this?

Chair Daly:

Clark County said they are in favor.

Tim Stoffel, Private Citizen, Reno, Nevada:

I represent Sierra Safari Zoo and REXANO. I also represent the Feline Conservation Federation, and, in general, everybody in the state who works with captive felines. This bill, as originally proposed, was not a regular thing or a sensible thing. It was an almost total ban. This bill would have put zoos out of business. It would have put wildlife parks out of business. It would have put anybody except for a couple of Las Vegas shows and the Las Vegas Zoo out of business.

The Senate was very wise in killing this bill off. It was very amply demonstrated by Scott Shoemaker and Zuzana Kukol that there is not a safety problem with these animals in Nevada or across the country. You can hear a lion miles away. I have proof of that. There is no way that this kind of problem is going on. It is being very badly misrepresented both here in Nevada and elsewhere across the country. There are groups of people in this country that are determined to take away our ability to work with and use these animals. I have been working with big cats and other animals in a zoo-type setting for 11 years. These animals are not the vicious animals that they are made out to be by the media and some of the animal rights organizations.

In any case, we feel that since 14 of the 17 counties already regulate this, obviously, there is not a regulatory problem. Either the three counties that do not regulate do not have any exotic animal owners, or the ones that are living there do not cause problems. The other thing that has been pointed out and argued against by some of the people that are proponents of this bill is that the regulations do not need to be uniform across the state. You do not want to keep a tiger in a small backyard in Las Vegas, but why should somebody in Clark County who has 10 or 20 acres and can afford to put up the right kind of caging be prohibited from being able to work with these animals?

Many of the animals that are covered by the original bill, dangerous captive animals, are actually animals that are flagship species and are in great danger of going extinct. Many of these animals are quickly going extinct in their range countries. The population of tigers in the Far East, where they are from, had plummeted from 50,000 in the 1950s to a few thousand today. The captive gene pool of these animals that we have in this country is very important to keep these animals alive. The original bill did not allow any breeding whatsoever except for those very narrow exceptions. If you do not breed animals, they die and go extinct. If this bill had been passed as it was originally written, your children and your children's children would have to go to museums to see a dusty tiger mount to see a tiger at all.

The thing is that it was very good that this was done. We do not want this bill to see the light of day because it does not serve any purpose. All it does is give a little bit of ground for the proponents. The animal rights people want to see everything regulated. Give them a little bit more ground and they will go and pester the counties to get tougher laws passed. I know from personal experience of fighting a law that was proposed in Washoe County two years ago that there are very definitely rules to try to regulate at the county level. We were able to show that there was not a problem. Washoe County has a reasonable set of ordinances that can be worked with by the person who is willing to have these animals. This is the way it should be. We do not need any more impetus to try to make the rules any tougher. It is hard enough to keep these animals as it is. Frankly, I have been spending more time before legislatures, boards, and committees than I have actually taking care of animals.

Sierra Safari Zoo is not alone. We got word this week that there is a new zoo that is going to start in Wendover. If this bill passed, it would never be able to open. We would have to close our doors in a few years if this bill passed. We do not want to see this legislation get any legs at all, so we are asking you to kill this bill.

Chair Daly:

Are there any questions from the Committee? [There were none.]

Jim Martin, representing Sierra Nevada Zoological Association:

I am from Sierra Safari Zoo. The zoo is in its twenty-fourth year. As you have heard from some of the other people who have animals, it is not just a hobby; it is a passion and a part of their lives. For us, it is a business. It is working with the public. We have to accommodate thousands of people per year as well as over 200 animals that require a lot of specialized care. It is not something a person does as a hobby or a whim. All of us are driven with a deep passion to care for these animals. There are occasional people who make mistakes and

mess it up for everybody, but for the large part, everybody has so much of their lives, finances, and property invested, and that is why we are really passionate about this bill. The only reason that those of us who have been labeled as activists got together is that we were acted upon. I feel like getting this bill passed may be a step for the groups to come back next year and hammer away at it a little more. They made a little bit of progress and they are going to make a little bit more progress. They have done a lot of damage across the United States and put many people out of business. There were animals that had to be destroyed. Florida is now collecting many exotic animals because they are regulated, but they do it in a good way. You do not hear of many people dying from wild animal attacks in Florida, so it can be done. Here in Nevada, we are a tourist state. I feel like enabling and promoting more captive animals on display or being able to provide animals to be on display would be a good move for Nevada. It could be part of a tourism element as long as it is done well and regulated. I see that as being an asset. We could be like the Florida of the West Coast. We could show our tourism a different aspect that no other state has, as well as provide good homes for a lot of animals and the people who take care of those animals. I feel like in the future, if this becomes a law, it will become confused with the previous laws that we have already talked about in the counties and cities. Until something can be more overarching and complete, I think this law is just paperwork that is a waste of time and is going to be something to consider in the future when trying to regulate this activity.

Because our zoo displays animals, we are regulated by the U.S. Department of Agriculture (USDA). We have a class C exhibitor's license, and we are monitored and inspected a minimum of twice a year. Those regulations are included in a very detailed, thick book. They regulate animals that are not allowed in Nevada. It is that comprehensive. We also have a Nevada license to exhibit. There are certain species that we cannot bring into Nevada without doing a lot of research. If they are not already here and proven to be safe, then we cannot bring them in. There are strict regulations. It is not a free-for-all. We are regulated already. Maybe more regulation is needed, but I do not see the point of this particular bill.

Assemblywoman Cohen:

I do not doubt your passion for the animals or what you and the others who testified do to take care of the animals to make sure they are safe and have as good a life as they can have. What do you say about the guy who finds that he can get himself a little baby monkey, thinking it is cute and that he will raise it in his house, or the man who gets a cute little cub that grows into a giant wild animal? What are we going to do about those people who are not taking care

of the animals properly and who are not ensuring that the neighborhood is safe from those animals? Can you please address that?

Jim Martin:

My job is not enforcement. The laws are there already in Washoe County to determine whether a person can or cannot have primates. It is a very involved process to have a primate in captivity in Washoe County. Different counties have their own regulations. I do not know what the rest of the counties' regulations are. It is the same with cats. To my knowledge, a person cannot have a large cat without a permit. There are some small cats that a person can have with a permit. Those people are supposed to have the permits. If somebody is driving a car without a license, they are locked up. If they have an accident and they do not have insurance, somebody winds up having to pay that bill. It falls to those who are breaking the law to pay fines. The instances that you gave of the small monkey or the cat, unless the person has a license, they are breaking the law, which is a different issue.

Tim Stoffel:

You cannot ever stop people from doing stupid things. It happens all the time. These animals are not easily available. You cannot just go somewhere and get them. There are people who say you can find tiger cubs on the Internet, but that just does not exist. Primates are very expensive and hard to come by. Many of the animals that we are talking about regulating are not widely available. You cannot transport big cats across state lines anymore unless you are USDA licensed, like the zoo and many of the facilities represented by people here today. It is not a problem. There are always going to be people who break the law and obtain animals illegally, but no number of laws will stop that. It is not a problem that needs to be addressed with a rigid set of rules.

Assemblywoman Cohen:

The fact that Clark County is here saying they support this lets me know that Clark County needs this legislation in order to enforce and create laws having to do with this.

Jim Martin:

The volume of animals that are causing problems—the guy with a monkey or somebody with a cat in their backyard—is almost nonexistent. You just do not hear about it. In the past 12 years, only one person has been killed by a tiger in Nevada. He was in a cage with the tiger. He was working with the tiger; it was not as if the tiger was loose and running about. The number of people being killed by cars and guns every day is so much more than an animal in somebody's backyard. I think, knowing that this bill was coming up, those chimpanzees getting out in Las Vegas seems awfully convenient.

Chair Daly:

I will take testimony in opposition from Clark County.

Valerie Holt:

Our problem is Clark County and the City of Las Vegas require a special use permit to own a primate. It is hard to understand because the wording is not there. The original bill had many problems. We worked with The Humane Society of the United States (HSUS) to try to figure out what constituted "dangerous." One of the big problems with the bill was they wanted all primates on it, and our argument was that many zoos house endangered lemurs. It is hard to call a marmoset or a tamarind, which reaches an adult size of between a pound and a pound-and-one-half, in the same classification.

Chair Daly:

I thought you came up and testified in support for a different organization or a different group. We are in opposition now. I did not see anything in the bill about apes or lemurs, so I am curious what you are talking about. We are not discussing the original bill. Are you in support or opposition to the existing bill that is in front of us now and was amended in the Senate?

Valerie Holt:

I am in support, but I feel both ways about it. Clark County and the City of Las Vegas seem to be the area where there is a problem with it. I do not want to see us back here in two years with HSUS changing the laws.

The problem with the chimpanzees, where this comes into play, and where the argument came from, was the fact that those chimpanzees had escaped three times in Clark County. When they got out, animal control did not feel they had the authority to get them back in. They kept referring the problem to the USDA. There were many questions about who should govern and protect those chimpanzees. I guess they felt that if animal control had the authority in the first place, the chimpanzee would not have had to be killed.

Chair Daly:

I still do not understand your position. We are taking testimony in opposition to the bill, so if you are not in opposition, then we are going to move on to someone who is. We are not taking further testimony about a bill that is not in front of us.

Keith Evans, Private Citizen, Henderson, Nevada:

I represent the Lion Habitat Ranch. I own the most exotic cats in the state. I moved here in 1975. Before I could move my cats from Ohio, animal control was in charge here in Clark County. For the last 38 years, I have dealt with

animal control in Clark County zoning. I still have permits with them. They have zoned me and controlled my animals for 38 years. If they did not have the authority for the last 38 years to do this, I would be quite surprised. I think this bill is redundant, and I do not think it needs to be passed out of your Committee. It is a special interest group bill, and it does nothing for the safety of the animals or the safety of the people. If they have been doing it illegally for 38 years, I would like to get some money back from them. I have been here all this time, and I have not had a problem. I have been under their control since the day I moved here. Before I moved here, they required me to get the approval of all of my neighbors. Anybody who has a legal animal in this state has to get their neighbors' approval before they can move in, even under a land use permit situation. Animal control has law enforcement control over these animals if you violate it. It is a red herring that they need another bill, at this point in time, to do what these other counties have been doing for 38 years, especially Clark County. I actually did the MGM lions in Reno, which was under Washoe County's control. Every county has enough legislative ability to take care of us. I do not think we have been doing it illegally for 38 years. People who are doing it legally do not have a problem. The people who are doing it illegally will not be controlled no matter how many laws you pass. We would love to get rid of the people doing this illegally. If you want to pass a law in this state, you should pass one that stops the importation or creates border checks so that you know what is coming in and out of the state as California does. Nevada is an island, and nobody is watching the borders.

Chair Daly:

Are there any questions from the Committee? [There were none.] Is there anyone in Clark County wishing to testify in opposition? [There was no one.]

Assemblywoman Swank:

I have been listening to all of the testimony and thinking about it. In my professional life, I am an anthropologist, and one of the things that we know as anthropologists is that the great apes are very different animals from other exotic or wild animals. With that in mind, and knowing that there have been several problems across the country and in Nevada, I am concerned that they need different treatment in this. I wanted to get that on the record. I agree that there are differences between urban and rural areas, but I also see that great apes are very different animals. That used to be a part of that bill, so I wanted to put on the record that it is one of my concerns.

Chair Daly:

At this time, seeing no further testimony in opposition, we will move to testimony in neutral on S.B. 245 (R1).

Carrie Marques, Private Citizen, Las Vegas, Nevada:

I am the animal care manager at Roos-N-More Zoo. I wanted to address the last comment. Great apes are totally different. The previous bill was addressing all primates as the same; therefore, chimpanzees, orangutans, and gorillas—the great apes—are far different from capuchin monkeys, marmosets, et cetera. The biggest problem is going to be enforcement of any laws we have. Whatever is already in existence, the lack of enforcement is the problem.

Chair Daly:

Are there any questions from the Committee? [There were none.] There is no further testimony in neutral in Carson City or Las Vegas. Mr. Hardy, do you have any closing comments? [He did not.] I will close the hearing on S.B. 245 (R1). If the proponents and opponents want to come and talk to me, I would be happy to accommodate that to work out the issues. Not all of the issues get worked out on the other side. I will open the hearing on Senate Bill 371 (R1).

Senate Bill 371 (1st Reprint): Prohibits a person from intentionally feeding any big game mammal under certain circumstances. (BDR 45-838)

Senator Ben Kieckhefer, Senatorial District No. 16:

I am presenting a bill that stemmed out of a request to try to do something about some of the nuisance bears in my district in Incline Village. The bill started as a prohibition on the feeding of wildlife. It has evolved over time. At this point, we have a bill before us that adequately reflects the intent to address the issues over bears and the feeding of other potentially dangerous wildlife, but it still allows people to interact with smaller and less dangerous species. Senate Bill 371 (1st Reprint) is a prohibition on the feeding of big game mammals, which is defined in section 1, subsection 4 of the bill. You can see the list in that section. It is specific to intentional feeding, so it has certain exceptions in place.

The bill is also clear that the penalties are not meant to be punitive. They are not overly severe. It specifically says in section 1, subsection 2, paragraph (a), that for a first offense the person must not be cited or charged criminally and must be informed in writing of the behavior that constitutes a violation and the penalties prescribed by the section for any subsequent violation of this section. This is intended to be an educational moment so people can learn a little bit about what our laws are, if they have violated them, and be sure that they know and are on record that a future violation would result in a fine of up to \$250. Ultimately, that sets the intent of the bill. It has evolved into this from some other incarnations, but this will be the bill I am presenting today. I think it

is good policy. Mr. Buonamici can weigh in if he wants to. I am happy to take any questions.

Rob Buonamici, Chief Game Warden, Division of Law Enforcement, Department of Wildlife:

The Department of Wildlife supports this bill as it is written.

Chair Daly:

Are there any questions from the Committee?

Assemblywoman Cohen:

In section 1, subsection 3, it is excluding U.S. Department of Agriculture employees while carrying out their duties. Do we need something in there to protect our state officers as well?

Rob Buonamici:

It does refer to Department of Wildlife (NDOW) employees: "The provisions of this section do not apply to any employee or agent of the Department." "Department" refers to NDOW.

Assemblyman Ellison:

Many years ago, I saw some major snowstorms that blocked large herds of deer into an area that they could not get out of. They were stuck back in a specific location. I knew an individual who took feed to them, and he was almost arrested. Is there any provision for a major storm or natural disaster that would allow for when these animals are trapped in a certain area?

Rob Buonamici:

In section 1, subsection 1, it states, "Except as otherwise provided in subsection 3, a person shall not intentionally feed any big game mammal without written authorization from the Department." It allows for written authorization from NDOW to do exactly what you are referring to.

Assemblyman Ellison:

I am not talking about the individuals; I am talking about NDOW.

Rob Buonamici:

The bill also allows NDOW to feed in those cases.

Senator Kieckhefer:

The intent of section 1, subsection 1 is to expand it further so that if rescue organizations are in a position to help animals that are stranded or in danger, they can immediately contact NDOW and get authorization to intervene.

Chair Daly:

Are there any other questions from the Committee regarding the feeding of a well-defined set of animals? [There were none.] I am happy to have a concise definition. I will now take testimony in support of S.B. 371 (R1).

Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Nevada Department of Wildlife:

We wanted to go on record in support of S.B. 371 (R1).

Chair Daly:

Are there any questions from the Committee? [There were none.] Is there anybody else in support of S.B. 371 (R1) here or in Las Vegas? [There was no one.] Is there any testimony in opposition? [There was none.] Is there any testimony in neutral on S.B. 371 (R1)? [There was none.] I will close the hearing on S.B. 371 (R1).

We will take the work session slightly out of order. We will begin our work session with Senate Bill 148 (1st Reprint). Ms. Welden, please proceed.

Senate Bill 148 (1st Reprint): Revises provisions governing the Pollution Control Account. (BDR 40-448)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read from work session document ([Exhibit D](#)).]

Chair Daly:

I will accept a motion to do pass Senate Bill 148 (1st Reprint).

ASSEMBLYMAN HEALEY MADE A MOTION TO DO PASS
SENATE BILL 148 (1ST REPRINT).

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Chair Daly:

Are there any questions on the bill? [There were none.] I will take a vote.

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblyman Thompson. Let us move on to Senate Bill 433 (1st Reprint).

Senate Bill 433 (1st Reprint): Revises provisions governing motor vehicle fuel.
(BDR 51-1101)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read from work session document ([Exhibit E](#)).]

Chair Daly:

I will accept a motion to do pass.

ASSEMBLYMAN LIVERMORE MADE A MOTION TO DO PASS
SENATE BILL 433 (1ST REPRINT).

ASSEMBLYMAN PAUL ANDERSON SECONDED THE MOTION.

Chair Daly:

Are there any questions on the bill? [There were none.] I will take a vote.

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblyman Hansen. Let us move on to
Senate Bill 434.

Senate Bill 434: Revises provisions relating to vessels. (BDR 43-1002)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read from work session document ([Exhibit F](#)).]

Chair Daly:

I will accept a motion to do pass Senate Bill 434.

ASSEMBLYMAN ELLISON MADE A MOTION TO DO PASS
SENATE BILL 434.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Chair Daly:

Are there any questions on the bill?

Assemblyman Thompson:

Looking at my notes, I am wondering what the rationale was for a 300 percent increase in the property damage from \$500 to \$2,000.

Chair Daly:

It is to be in line with the limits utilized by the U.S. Coast Guard. We can ask Mr. Buonamici to confirm that. He is shaking his head yes. I will mention for the Committee, if you remember when we heard this bill, I had some reservations about the seizure language. I did review the language that applied to automobiles, and with a few exceptions because we are dealing with a boat rather than an automobile, they parallel. I figured that if it is good for cars, then it is good for boats. They promised me that they were not going to unnecessarily throw fishermen overboard and take their boats.

Are there any other questions? [There were none.] I will take a vote.

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblyman Healey.

As we move on to Senate Bill 82 (1st Reprint), I am sure we will have a brief amount of discussion. I know we have the wildlife people here. On the Board of Wildlife Commissioners review, we have the hunting of black bears. It is a resolution. There was a request to have a comprehensive review; people just want to make sure they are comfortable with how that looks. An amendment was drafted by Legal, which is on Nevada Electronic Legislative Information System. We want to make sure that everybody's intent is covered. With that, Ms. Welden can read from the work session document, and we will talk about the possible amendment.

Senate Bill 82 (1st Reprint): Urges the Board of Wildlife Commissioners to review the hunting of black bears. (BDR S-409)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read from work session document ([Exhibit G](#)).]

Chair Daly:

We will talk about the amendment before we make a motion to amend so that we can get some information about it. I have been contacted by the Board of Wildlife Commissioners. They said they wanted to have a comprehensive review rather than just a scientific review. My understanding is that the comprehensive review and the science can be combined in some fashion. We asked our Legal Division to do that, and they came up with the mock-up. I understand there are also some concerns regarding what the mock-up looks like and how that would all work. I would like to hear from the wildlife commission to give a brief outline of what you are intending to do with the

comprehensive review, why that is more official, and how that would produce a better report.

Jeremy Drew, Vice Chair Board of Wildlife Commissioners, Department of Wildlife:

We had a meeting of the Board of Wildlife Commissioners this Friday and Saturday, which was the first time that our commission has had an opportunity to look over Senate Bill 82 (1st Reprint) in its current form. We approved support for the bill and only had one concern. If you look at page 3, there is a section where it says, "Whereas, The Board of Wildlife Commissioners has made a public commitment to review the black bear hunt following its third season and the Department of Wildlife's Black Bear Management Plan for 2012 further commits to a 3-year scientific analysis" When you look at section 11.7, it states in subsection 3, "The Board of Wildlife Commissioners to thoroughly conduct its 3-year scientific review" Our concept is to replace the word "scientific" with "comprehensive" simply because there are many aspects to the hunt that we would like to look at collectively. A comprehensive review would include the scientific analysis provided by the Department. We wanted to be very clear on the record that the scientific component is not something that we do, so we would not be the ones doing the scientific analysis. That is what we wanted to convey to this body. Other than that, we were fine with the language as it is. Personally, I would be fine with a "do pass" as long as the record reflects that it is not us actually doing the scientific analysis.

Chair Daly:

You say you would be okay with a "do pass" as long as it is on the record, but people are going to expect what is in the wording of the bill. It is a resolution with limited binding effects. You have the word "scientific" versus "comprehensive." I would like to hear what other elements you will be able to include or plan to include to look at in addition to the science, which is included in the comprehensive review rather than the limited review.

Jeremy Drew:

Our concept is to look at all aspects of the hunt, including temporary and permanent regulations that were put into place to structure the hunt itself. It would incorporate everything that is encapsulated within the "whereas" sections of the bill as it is currently written.

Chair Daly:

Other elements you would look at would be external concerns rather than just the science. You would look at land issues, land use issues, multiple use issues, interface between those issues, issues that the tribal councils and

various groups might have, et cetera. You are going to use the science to determine whether the bear hunt is viable and to determine bag limits, but as you put this together and if the science says that there is a viable population for a bear hunt, these other factors can be in your comprehensive review versus the scientific review.

Jeremy Drew:

Absolutely, I could not have said it better myself. Those are all of the things that we are going to try to look at because they are interrelated in how the hunt operates and goes forward. We intend to look at everything from season structure and dates to bag limits, quotas, and other things of that nature.

Chair Daly:

As I read the mock-up, you are going to do a comprehensive review, which will include all these other elements in that review with the goal to evaluate the scientific analysis that was done. You will evaluate the overall effects of the three years of hunting. Then, you will put all those things together into whatever recommendation comes after the comprehensive review with these other elements. Those are the things I wanted to try to flesh out as far as why you wanted a comprehensive review. I hope that helps the folks on the other side who may ask questions on that.

Assemblyman Ellison:

I think most of my questions have been answered. You said you were not going to do the study. If you are not going to do the study, who is? Will that study be biased?

Jeremy Drew:

I think it is pretty well spelled out in the "whereas" section on page 3, lines 16 and 17, where it says, "the Department of Wildlife's Black Bear Management Plan for 2012 further commits to a 3-year scientific analysis" of the hunt itself. I would say the Department of Wildlife is committed to doing that three-year scientific analysis.

Chair Daly:

Are there any other questions from the Committee? [There were none.] Will Ms. Schwamberger come up and share her concerns and tell whether we have helped at all?

Christine Schwamberger, representing Nevada Political Action for Animals:

My main concern is the first proposed amendment that I was informed of was the commissioners' request to change "scientific" to "comprehensive." Since I was not sure exactly what "comprehensive" was, I asked for "comprehensive

including science." If you keep it as "comprehensive," I think I would be okay with it based on what Mr. Drew just said.

My main concern is in section 11.7, subsection 3, paragraph (a) where it says, "Evaluating the Department of Wildlife's 3-year scientific analysis." I think under the original wording of the resolution, it would have allowed an overall evaluation of the scientific analysis. This would preclude the consideration of other science about the bear hunt that has been submitted to the commissioners. I would point out to the Committee, that I think this in direct opposition to Assembly Bill 345, which you passed and was sponsored by Assemblyman Bobzien regarding "best available science." In the Senate Committee on Natural Resources hearing on that bill, Assemblyman Bobzien specifically said that his intent with the term "best available science" was not to exclude science in addition to Nevada Department of Wildlife (NDOW) science. My main concern is that this review not be limited to only NDOW science and that other science that has been submitted to the commission also be considered in the bear hunt review.

Chair Daly:

Are there any questions from the Committee? [There were none.] I am reading from section 11.7, subsection 3, of the mock-up, "The Board of Wildlife Commissioners to thoroughly conduct its 3-year review of the black bear hunt following the 2013 bear hunting season, with the goal of . . . evaluating the overall impacts of the three consecutive bear hunts and . . . making an unbiased and informed recommendation concerning the viability of hunting black bears in Nevada."

The way I read that is they are committed to doing a three-year scientific study. They are going to go out and get the three-year study. This resolution would then say that they are going to thoroughly conduct the three-year scientific review, and then they are going to evaluate the overall effects of the bear hunt, and make an unbiased recommendation after they have made the scientific review. The word "comprehensive" makes it more inclusive. They are still going to be evaluating, instead of just reviewing, because of the word we put in there. Their three-year analysis, which they are outsourcing, is unbiased. There is nothing written that says the comprehensive review would not include or look at other science. If there is paranoia or distrust, then we are not going to get anywhere, and we will leave it at the scientific review and they will have no obligation to look at any of the other elements that would be included in the comprehensive review. I would put that on the record that they would be under no obligation.

Can we have a comment from our legal counsel regarding the way we have that? The way I read it is they can do comprehensive and they can evaluate their three-year study versus only being required to look at the three-year study without the comprehensive review.

Randy Stephenson, Committee Counsel:

You are right. The mock-up currently states that the wildlife commissioners thoroughly conduct its three-year comprehensive review. It says that it has to evaluate NDOW's scientific analysis, but it would not preclude consideration of any other information or scientific analysis that the commission cared to look at to complete its comprehensive review of the black bear hunt in Nevada.

Chair Daly:

Are there any other questions from the Committee at this time? [There were none.] I am going to pull S.B. 82 (R1) off the work session today. That should give everybody a couple more days look at it, think about what was said here today, and to see if you can get more comfortable with it. If there is no way, then come back and tell me. If we do move forward with something along these lines, we will try to make sure that everyone is comfortable. I do not want to try to catch anyone shorthanded. I am not trying to run over the top of people. Is that fair enough? Expect to see it on a future work session, but we are running out of time.

Are there any other questions from the Committee? [There were none.] I will close the work session. I will open the microphones for public comment. [There was none.] We will adjourn this meeting [at 3:53 p.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

RESPECTFULLY SUBMITTED:

Jennifer Dalton
Transcribing Secretary

APPROVED BY:

Assemblyman Skip Daly, Chair

DATE: _____

EXHIBITS

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

Date: May 14, 2013

Time of Meeting: 1:41 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 245 (R1)	C	Valerie Holt/Roos-N-More Zoo	Letter
S.B. 148 (R1)	D	Amelie Welden, Committee Policy Analyst	Work Session Document
S.B. 433 (R1)	E	Amelie Welden, Committee Policy Analyst	Work Session Document
S.B. 434	F	Amelie Welden, Committee Policy Analyst	Work Session Document
S.B. 82 (R1)	G	Amelie Welden, Committee Policy Analyst	Work Session Document