

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

**Seventy-Seventh Session
March 26, 2013**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Skip Daly at 12:30 p.m. on Tuesday, March 26, 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 Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman James Ohrenschall, Clark County Assembly District No. 12
Assemblyman Crescent Hardy, Clark County Assembly District No. 19

Minutes ID: 632



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Cheryl Williams, Recording Secretary
Steve Sisneros, Committee Assistant

OTHERS PRESENT:

Randy Robison, Executive Director, Nevada Association of School Boards
Beverlee McGrath, representing American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; PawPac; Action for Animals; Lake Tahoe Humane Society; Lake Tahoe Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; Lake Tahoe Wolf Rescue
Karen Layne, President, Las Vegas Valley Humane Society
Margaret Flint, representing Nevada Humane Society; Canine Rehabilitation Center and Sanctuary
Kevin O'Neill, representing American Society for the Prevention of Cruelty to Animals
P. Michael Murphy, representing Clark County
Stacia Newman, President, Nevada Political Action for Animals
Linda Faso, Private Citizen, Las Vegas, Nevada
Kristen Corral, Owner, Little White Dog Company; Member, Nevada Political Action for Animals
Nancy Coleman, Private Citizen, Las Vegas, Nevada
Eileen Cohen, Member, Douglas-Carson-Reno Desert Tortoise Club
Dan Musgrove, representing City of North Las Vegas
Stephanie Allen, representing Broadacres Open Air Marketplace
Olegario Garcia, General Manager, Broadacres Open Air Marketplace
Erika Greisen, Founder, Teens for Animal Protection
Gina Greisen, President, Nevada Voters for Animals
Lindsey Dalley, Founder and Chairman, Partners in Conservation
Kenna Dalley, Private Citizen, Logandale, Nevada
Barry Bunker, Private Citizen, St. George, Utah
Rebecca L. Palmer, Acting State Historic Preservation Officer, State Historic Preservation Office, Nevada Department of Conservation and Natural Resources

Chair Daly:

We will start with the short presentation on Assembly Concurrent Resolution 3. Will you just do a presentation, or do I need to open the hearing?

Assemblyman James Ohrenschall, Clark County Assembly District No. 12:

During the interim, I was privileged to chair the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products. I was sponsor of Assembly Bill No. 427 of the 76th Session after I had been approached by folks in the recycling and environmental communities. We wanted to see if a bottle deposit might work in Nevada, to try to increase recycling and decrease litter. It turned into an interim study. We studied the issues, and it seems very effective in the states that do it, but there was no consensus that it was right for Nevada at this time. In our Interim Committee, we heard a lot of testimony about programs that are currently happening. The program that you will hear about today is the one that impressed me.

Chair Daly:

Are we actually on Assembly Concurrent Resolution 3 so I can open the hearing?

Assemblyman Ohrenschall:

I thought you had opened it. I am ready to do that all over again though.

Chair Daly:

That is fine. Let us open the hearing on A.C.R. 3. Thank you for your early testimony. Go ahead.

Assembly Concurrent Resolution 3: Expresses support for the programs, partnerships and recycling efforts of the America's Schools Program. (BDR R-122)

Randy Robison, Executive Director, Nevada Association of School Boards:

I have been with the America's Schools Recycling Program for many years. The program is now here in Nevada. Its mission is to generate a new revenue source for kindergarten to twelfth grade schools across the country by developing a brand by which we can affiliate with various products. Once those products are purchased by consumers, it generates revenue back to participating schools across the country. Among the various initiatives we have to roll that plan forward is the International Environmental Youth Campaign. Specifically, that campaign focuses on the recycling of waste plastics, which is a huge problem in this country and around the world.

We were invited to give a presentation to the Committee to Study the Deposits and Refunds on Recycled Products. Because of that presentation, the Committee voted to forward this resolution about the International Youth Campaign. Slides 5, 10, 13, and 16 of my presentation ([Exhibit C](#)) were at the two youth summits that we held in Las Vegas. One was at the Springs Preserve and the other was at the campus of the College of Southern Nevada. The two young women were the first two environmental youth ambassadors of the program. Ambassadors are chosen through a Clark County district-wide essay contest that generates 300 to 500 essays. It is narrowed down to three top winners. The person with the winning essay becomes the environmental youth ambassador and takes an environmental trip to somewhere in the world. The first winner went to South Africa for ten days and spent time on an elephant game preserve. The second winner went to Australia. The next winner will be going to Kassel, Germany, which is one of the world leaders in plastic recycling.

I have a short video presentation ([Exhibit D](#)) that I would like to show to give you a quick overview of the things that we do.

As I mentioned, the Committee chose to endorse our efforts through this resolution but when it was drafted, they simply pulled initiative information off the website for America's Schools Recycling Program. They were not all germane to the International Environmental Youth Campaign. For that reason, we have proposed an amendment ([Exhibit E](#)). It substitutes the resolution as a whole. Rather than focus on everything that we do, this proposed amendment focuses specifically on the International Environmental Youth Campaign and the plastic waste recycling efforts of that initiative. We believe it was the intent of the Committee to highlight that particular program specifically rather than all of our programs at large.

Chair Daly:

Thank you for the explanation on the amendment. You talked to me a few days ago and I understand that you streamlined it.

Assemblyman Livermore:

I served on the Committee to Study the Deposits and Refunds on Recycled Products. At the conclusion of the Committee, after six months of testimony, it had five recommendations. This program was not heard during that presentation. The recommendation was to encourage and continue to grow the single-stream recycling program. It has been successful in some communities and not so successful in other communities. One of the findings of the Committee is that fraud exists in the recycle program, especially in California. California is losing \$20 million a year from people returning bottles and cans

that did not have a deposit paid on it originally. Cans and bottles are coming in from all across the country. That is my concern. Nevada could not verify that the cans and bottles it paid a deposit on were being returned for redemption.

The other finding was that it does not create any new jobs, only opportunities for people that wanted to open recycling centers. It would shift the jobs away from the public garbage services and their single-stream program and their investment in it. It could potentially increase the cost to the garbage collected in Las Vegas, because when you take the value out of a single stream, you also incur the increased cost of paying for that pickup. If this resolution were passed, I would encourage the Committee to go back and read the minutes of the Committee to Study the Deposits and Refunds on Recycled Products. Look at the testimony as a whole. I agree that this program is good for schools; it comes to us from Australia. Some of the other testimony came to us from Canada. Also, recognize that of the eight states with recycling programs, all of them started before 2000. No new state has created a recycle program. They tend to redefine how they can best follow the books of the law.

Assemblyman James Ohrenschall, Clark County Assembly District No. 12:

It was a pleasure serving with Assemblyman Livermore and other members of the Committee to Study the Deposits and Refunds on Recycled Products. We had fantastic staff with Michael Stewart, our principal analyst. We closely looked at what different states are doing. There is no doubt that the states that have the bottle deposit have a very high rate of recycling. Yes, there were allegations of fraud in California. One witness, Tara Pike-Nordstrom, founder of the Rebel Recycling Program at the University of Nevada, Las Vegas, opined before our Committee that the ideal program would be a national bottle deposit program. That way, you would not run into any problems with someone driving cans from Nevada to California or Arizona. Of course, if Nevada had a bottle deposit, there would be less of an incentive to go over to California.

It is hard to quantify how many new jobs would be created. There was evidence of new jobs that are ancillary to a recycling program like that. Would a bottle deposit be mutually exclusive to single-stream recycling? I think it is open to discussion. However, that is not really the center of Assembly Concurrent Resolution 3. The Committee was impressed with what these young people are doing and how they are being taught about recycling and environmental issues. I think the young people who participate in this program really are future leaders.

Chair Daly:

Are there any other questions from the Committee on the amended version of the resolution? [There were none.] I appreciate your testimony and presence.

At this time, we will open the hearing to people in support of A.C.R. 3. [There was no one.] Is there anyone in opposition wishing to testify on A.C.R. 3? [There was no one.] Is there anybody in neutral? [There was no one.] With that, we will close the hearing on A.C.R. 3 and we will open the hearing on Assembly Bill 246.

Assembly Bill 246: Prohibits the sale or transfer of ownership of a live animal at a swap meet. (BDR 50-747)

Beverlee McGrath, representing American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; PawPac; Action for Animals; Lake Tahoe Humane Society; Lake Tahoe Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; Lake Tahoe Wolf Rescue:

I am here today to present Assembly Bill 246. Margaret Flint will show a film (Exhibit F) to you. We have muted the sound because it is self-explanatory and I will talk over the presentation in an effort to save time.

[Read from prepared testimony (Exhibit G).] Puppies, kittens, rabbits, exotic birds, turtles, reptiles, poultry, and primates on request are sold at these swap meets and flea markets. The vendors pay no sales tax, which should be of major consideration to the members of this Committee, since Nevada is in a depleted financial situation. There is no capability to check for permits or business licenses from the vendors. As you can see from this video (Exhibit F), the conditions that the animals are kept in are far from sanitary or humane. Swap meets are a prime outlet for smuggled birds. It is estimated that 3,000 to 9,400 parrots are smuggled annually from Mexico to the United States and sold at swap meets, flea markets, and open-air markets. Nonprofit and animal welfare organizations would be exempt from this prohibition because they adhere to humane standards, have veterinary checks, sterilize the animals, and do not sell animals less than six weeks of age. These events are a major part of their adoption rates.

Coincidentally, there are major issues in the south that we do not have in the north. There are swap meets in the south but not in the north. Historically, the animal welfare organizations in the north adopt more animals at open-air markets than in the south. There is no recourse for purchasers of sick animals. They could take the animal home and have a huge veterinary bill or have the animal die. There is no recourse if you buy this animal at a swap meet. The vendors carry no insurance and nine times out of ten, you cannot even find who

the vendor was who sold you that animal. The animals are transported to swap meets and flea markets in open-air trucks. The cages are not secured to the truck in any way. Nevada Political Action for Animals followed a vendor leaving the swap meet last Sunday. The birds were flying all over and there was no shelter. All weekend long, there is nobody overseeing any of these animals.

Let us talk about disease. The Centers for Disease Control estimates that 93,000 salmonella cases broke out from exposure to reptiles. This number is reported each year in the United States. Children touch the reptiles, put their hands to their mouth or eyes, and then it spreads. The reptiles are primarily sold at the flea markets and swap meets in the south. The primates that are sold upon request are usually sold in the south. The mixing of species creates unsanitary and stressful situations. It is a red flag for hepatitis and salmonella. In Las Vegas, they have extreme heat issues. Young puppies do not regulate the heat well [referred to fact sheet ([Exhibit H](#))].

In this second video ([Exhibit M](#)), a child was bitten by a snake and they cannot get the snake to release its grip on the child's arm. There is no question that swap meets, flea markets, open-air markets, and the selling of animals are big businesses. They bring in a lot of money. The primates will bring \$4,000 to \$6,000 per primate. There are pictures of one of the indoor swap meets in the Las Vegas area. This picture ([Exhibit J](#)) shows turtles that are under four inches long, which is against the law. There is so little water in the tank; the goldfish cannot get under the water. The snake in this picture ([Exhibit I](#)) is selling for \$800. The puppies in this picture ([Exhibit L](#)) are from a puppy mill and selling from \$1,200 to \$2,000 each. These are monitor lizards ([Exhibit K](#)) being sold for over several hundred dollars each. This is an iguana ([Exhibit N](#)), which sells for \$300 to \$800. I do not have a photograph of the pink-breasted cockatoo that was at the same swap meet, which was selling for \$2,000. These pictures were all taken last Sunday at the Fantastic Swap Meet in Las Vegas.

Pet stores are regulated. They have veterinarians check the animals when they come in and regularly monitor them. They pay sales tax and have a permit or business license. There are consumer protections and they are regulated under United States Department of Agriculture requirements.

Assemblyman Carrillo:

Were these pictures and videos all taken at the same place?

Beverlee McGrath:

The first video ([Exhibit F](#)) of a swap meet is generic from YouTube. The snakebite video ([Exhibit M](#)) and still photographs ([Exhibit I](#), [Exhibit J](#), [Exhibit K](#),

[Exhibit L](#), [Exhibit N](#)) were taken at the Fantastic Swap Meet. It is an indoor swap meet in Las Vegas.

Assemblyman Carrillo:

Are these animals subjected to the high and low temperatures? Are they inside? Are they in an air-conditioned space?

Beverlee McGrath:

At night, the air conditioning is turned off.

This bill is supported by the Clark County Animal Control Department with an amendment to allow animal control officers in the state to have enforcement capabilities. It will also be supported by the Washoe County Regional Animal Services Division.

At present, there are no exemptions for open-air livestock markets, and I suspect that we will be hearing from the Nevada Farm Bureau. It was never our intention to disallow the sale of livestock.

Assemblyman Carrillo:

I was under the impression that the first video ([Exhibit F](#)) was in Nevada. I do not want the Committee to be misled that it was taken in Las Vegas or Reno. Is it just a generic YouTube video?

Beverlee McGrath:

I am sorry I did not make that clear. The first video ([Exhibit F](#)), which had no sound, was a generic video about typical swap meets and what the animals go through. The second video ([Exhibit M](#)) of the child being bitten by the snake was at the Fantastic Swap Meet in Las Vegas. All of the photographs ([Exhibit I](#), [Exhibit J](#), [Exhibit K](#), [Exhibit L](#), [Exhibit N](#)) were also from the Fantastic Swap Meet and they were taken last Sunday.

Assemblywoman Cohen:

There is reference to bona fide rescue organizations, but anyone in the animal rescue field knows that there are breeders who call themselves rescues. For instance, they will put themselves on craigslist as a rescue but they are actually breeding the puppies. Is there a way to clarify that in this bill so that when we say rescues we really mean rescues?

Beverlee McGrath:

The bill states that upon request, a nonprofit organization has to show verification that the animal has been vaccinated and sterilized. This will separate the imposter rescue groups from the legitimate ones. It is quite

common in Las Vegas for imposter groups to solicit money and then transfer an animal and sell it later.

Assemblywoman Cohen:

In section 1, subsection 2, it lists cats, dogs, or rabbits. In Clark County, we have ferret and pig rescues. Our county shelter will take any animal that is left there, so they get many unusual animals. Is there a way to account for other types of animals and rescues?

Beverlee McGrath:

This bill is targeted for primates and reptiles because it is a burden for local animal control departments to take these animals. They do not have the facility, knowledge, or workers to deal with these types of animals.

Assemblyman Wheeler:

Are there any reputable dealers at these swap meets? The livestock thing would bother me, too.

Beverlee McGrath:

I am sure that there are many reputable vendors that sell on behalf of an organization. We are saying that there are other ways to sell the animals. Working closely with an animal group or organization would be better. They could sell through a pet store.

Assemblyman Wheeler:

I understand that some cities and counties already have restrictions in place about how animals are treated in open-air markets and swap meets. Would it be better to leave it to individual cities and counties?

Beverlee McGrath:

Perhaps it would. Clark County has a prohibition against selling live animals at swap meets. In an effort to be consistent, it might be advisable to look at a statewide prohibition.

Assemblyman Hansen:

Having seen a lot of this stuff over my lifetime, if you are going to sell a puppy for \$1,200 or \$2,000, you are going to take very good care of it. There seems to be a missing factor in all of this. There is a marketplace factor. There are many anticruelty laws already on the books if some of these things were as bad as what you are suggesting. Why do you assume that you have a catchall here that has to be applied to Ely, Elko, Lincoln County, or Clark County when each county has their own ordinances, animal control people, and anticruelty statutes? I really have a problem with the idea that because you do not like the

way they do things in one part of the state but you approve of the other, that you can say that everyone in Nevada must follow your idea of how a swap meet should go.

Beverlee McGrath:

A hearing would not be complete unless you asked a question that was directed at our anticruelty views. These are not my views. These are the views of the animal organizations that I represent. We are not talking about five or ten people. We are talking about several thousand people that are very concerned with humane standards, and that is all this bill is trying to do. This bill is trying to establish humane standards, eliminate the lack of concern for many of these animals, and eliminate animals being sold that should not be. That is all we are trying to do here.

Assemblyman Hansen:

Did you say that this bill would apply anywhere that two or more people are going to exchange animals?

Beverlee McGrath:

It does. As I mentioned earlier, when I prefaced my statement, that phrase definitely needs work because at this moment, it includes livestock and that was not our intention.

Assemblyman Ellison:

If little girls are outside Wal-Mart selling a basket of puppies or kittens, are we going to take them off in handcuffs? I have never seen animals at a swap meet, but I am in the rurals. It does not mean that they are not there but I just have not seen it. You are throwing everything in a bunch. Our ordinances are pretty strict around humane practices, so I think this bill needs a lot of work. I would not support it the way it is right now.

Beverlee McGrath:

I doubt that you would see these reptiles and primates come through your area. They are being sold in larger cities in the south. We are perfectly willing to sit down with anyone who has concerns to make it more amenable to everyone.

Assemblyman Carrillo:

In section 1, subsection 2, the bill says the provisions do not apply to nonprofit organizations. Is there any reason we are singling them out? Should not everyone be under the same regulation pertaining to the sale of any animals?

Beverlee McGrath:

Perhaps the Nevada Humane Society and American Society for the Prevention of Cruelty to Animals (ASPCA) would like to answer that question. I think their statements will cover that. If not, I will come back to you.

Assemblyman Livermore:

After reading this bill, it is a broad bill. A swap meet is not defined at all. A person could have a garage sale in their front yard that could be identified as a swap meet. You could sell your puppies, kittens, or whatever from your own home and be entrapped in something unintended. I do not know how much time we have with this bill but I think it is very broad. It also excludes for-profit organizations that are reputable and concerned about their animals. The way I read the bill, only a nonprofit can sell at a swap meet. If a swap meet can be the driveway in front of someone's home or in the circle of a group of houses, all of those things could be defined as a swap meet. If we are going to make policy, let us make good policy. Let us cure the problem that we want to cure.

Assemblyman Anderson:

I echo Assemblyman Livermore's comments. Our job is to look at this and see the unintended consequences. Nevada is a diverse state just as Clark County is a very diverse county. Some parts are very rural while others are urban. I think we are wrapping all of these areas in one set of rules. If we have an urban issue in Las Vegas, we could address it down there. If it is an enforcement issue, maybe we need to address it down there. I am not sure if Nye or White Pine Counties have the same issues. I would be concerned about wrapping the entire state with a statute that would limit counties that do not have the same issues. I think the goal is potentially appropriate but a little wide-reaching.

Beverlee McGrath:

We would be happy to discuss this with you and Mr. Livermore and perhaps narrow the bill. We realize some amendments need to be made.

Assemblyman Carrillo:

My question is related to the regulations. One of my colleagues mentioned the city regulations. I believe the City of North Las Vegas has the Broadacres Open Air Marketplace. Do we have a representative from the City of North Las Vegas that can talk about their regulations?

Beverlee McGrath:

Dr. Karen Layne is very familiar with the situation at the Broadacres Open Air Marketplace. I am sure she would be willing to speak on it.

Karen Layne, President, Las Vegas Valley Humane Society:

North Las Vegas passed an ordinance in 2010, which had to do with the regulation of the Broadacres Open Air Marketplace and the sale of all animals outside. We originally asked them to deal with this issue because of the situation we were seeing and the complaints that we were getting. When we would contact North Las Vegas Animal Control Division to respond, we were told by officers that it was not in their ordinance to take care of the situation. You have my testimony ([Exhibit O](#)) already, but this ordinance limited the sale of animals. First, the person selling the animals had to have a permit signed by City of North Las Vegas Animal Control Division. Second, animals could not be sold in temperatures below 55 degrees or above 85 degrees.

Assemblyman Carrillo:

Thank you so much for that answer as we consider the regulations of each jurisdiction and whether they already have something else in place.

Chair Daly:

We will hold our questions until the end and now take testimony in support of A.B. 246.

Margaret Flint, representing Nevada Humane Society and Canine Rehabilitation Center and Sanctuary:

I am here today in support of A.B. 246. The Nevada Humane Society often participates in off-site events. We have weekly adoption and promotion events at PetSmart stores along with various off-site promotions throughout the year. [Continued to read from prepared testimony ([Exhibit P](#)).] The Nevada Humane Society had 626 animal off-site adoptions during 2012.

Kevin O'Neill, representing American Society for the Prevention of Cruelty to Animals:

[Read from prepared testimony ([Exhibit Q](#)).] On behalf of our 2.5 million members and 20,000 members here in Nevada, I am here in strong support for A.B. 246. A lot has already been covered so I will not rehash it. I want to address the comment regarding puppies being sold at these swap meets. Yes, they are expensive and consumers dole out a lot of money. These puppies often come from puppy mills in the Midwest where the animals are kept in a constant state of breeding, stacked on top of each other five rows high, and dogs come with illnesses associated with that. The consumer buys the puppy, goes home, has a wonderful new family member, the kids get attached, and then the dog comes down with some horrendous disease. Then they have to spend \$4,000 to try to fix it. There is no recourse to get their money back or go after the seller. It is an unregulated market. Animals are treated like commodities. This is a big business and many animals are coming into Nevada

from large companies outside of the state. I would say that this bill would protect the consumer from buying these kinds of animals.

When you have city-by-city regulations, you get a patchwork of regulation. You have people going over city and county lines attending different swap meets. You end up with the business owners who are unsure of the regulations for each city or county. It is much better from a state perspective to have this as a statewide regulation.

Most of the animals coming from nonprofit or public shelters are spayed or neutered. When you get the animal, there is no contribution to the overwhelming pet populations. Tens of thousands of animals are euthanized every year in Nevada. Euthanasia is costly. For those reasons, we are in support of this matter.

P. Michael Murphy, representing Clark County:

We are in support of A.B. 246 ([Exhibit R](#)). Clark County Ordinance 10.08.140 reads, "The sale of animals at swap meets is prohibited." Therefore, we support the concept.

Chair Daly:

Do you have a definition for swap meet?

Michael Murphy:

I am not aware of a definition of swap meet. The ordinance goes further to say that individuals who sell these types of animals must have breeder or show permits. Dealers, operators, and retailers must obtain commercial sale permits and the designees must be able to comply with *Nevada Revised Statutes* including where the animals were purchased. There is a paper trail associated with the sale of the animals.

Chair Daly:

We may bring you back up for questions along with the rest of the panel.

Stacia Newman, President, Nevada Political Action for Animals:

I want to clarify one thing. There are more animals at the swap meets than just the traditional puppies, kittens, and cats. It includes reptiles, exotic birds, and rabbits. These vendors are freelancing. When I have investigated them, they are using the swap meet as an outlet like a business, only it is unregulated.

The animals at swap meets have to be transported every day. They are moved in the back of pickup trucks. I have witnessed animals almost getting their

wings broken because they are slammed back and forth in open wire cages. I have seen cages with rabbits flip over in the back of a pickup truck.

I have been doing this for over 30 years. I have lived in five different states. It is very common. Even though the film was a generic type of swap meet, it is very common and I have seen a lot of it.

The difference between a valid pet store location and a swap meet vendor is that the consumer has no recourse at all with the latter. The ordinances here in Clark County are set up for the pet stores. They have to abide by certain regulations including veterinary examinations when the animals arrive at the pet stores and setting up a disease control protocol for the pet store to follow. There is a big difference.

I have also seen these animals bred in filthy conditions and kept in overcrowded, small cages. A typical housing system for them would be a garage. If the animals become injured or sick, they are often denied any type of veterinary care. The ordinances require veterinary care.

The other thing that is common at swap meets are the closeout sales. At the end of the swap meet on Sundays, the vendors have sale boxes with eight-week-old pit bulls and they will mark the box three dogs for \$30. I have seen prices for rabbits and guinea pigs at \$10.

We have a responsibility to have a very tight regulation. It is impossible to police this type of vendor activity at the swap meets and flea markets. We do not even know where these animals are coming from and we do not know where they go.

We cannot let these animals be sold irresponsibly. Many of the puppies are used for bait dogs, which are small animals that they buy cheap in the exercise of training dogs for fighting. This is very common.

The rabbits are cute when they are kits. Unfortunately, they grow up and in a few months they are huge and hard to handle. Then they go to the shelter. Sometimes hundreds of rabbits are in our shelters. Disease is another common thing. The animals are held and handled. People handle turtles, which are common carriers of salmonella. The animals and public are not safe and it is time to end the suffering.

Chair Daly:

Very good, but we had already heard about 90 percent of that presentation. If anyone has anything new, that we have not heard, about why we might need

this, I would be willing to hear that. If I start to hear the same thing, I will cut you off.

Linda Faso, Private Citizen, Las Vegas, Nevada:

I strongly support A.B. 246. Over the years, I have been to swap meets and I am always taken aback when I see animals for sale. When these animals are dumped in our shelters or given away, I have worked with the Society for the Prevention of Cruelty to Animals (SPCA) and the Animal Foundation. When these animals are dumped in our shelters or given away, there is no thought given to their needs.

Kristen Corral, Owner, Little White Dog Company; Member, Nevada Political Action for Animals:

In going to the swap meets, I spoke to one of the bird vendors who told me that he has 400 to 600 birds that he breeds privately on his property. I do not believe that he is being regulated. I also witnessed turtles in less than an inch of water. One turtle was completely wedged on its side by a rock. A large goldfish was not covered by water completely. I am fully in support of A.B. 246 and think it is unfair to keep these animals in these deplorable conditions.

Nancy Coleman, Private Citizen, Las Vegas, Nevada:

I am in support of passing A.B. 246.

Eileen Cohen, Member, Douglas-Carson-Reno Desert Tortoise Club:

Desert Tortoises are on the endangered species list and protected. Our club meets twice a year and we often have African spurred tortoises that people no longer want. They buy them at swap meets or on the Internet. These tortoises are not indigenous to Nevada. They are not allowed in the country, yet there are tortoise mills raising African spurred tortoises and Russian tortoises. They are a huge problem because they do not hibernate and can weigh a hundred pounds or more. People do not know what to do with them, so they dump them. Someone found a large one in a Reno neighborhood. I brought it to a woman who saves reptiles. Our Reno holding pond has two large snapping turtles. I am in support of this law, and I do not think it goes far enough. I would like to see it stop the buying and selling of all reptiles in Nevada.

Assemblyman Carrillo:

In section 1, subsection 2, would it be better if all organizations were regulated instead of having an exemption? I am not saying that they do not take care of the animals, but it is an even playing field in regard to the regulations.

Kevin O'Neill:

I apologize for not mentioning that in my statement. There is certainly room for work on the language in the bill. The difference is that nonprofits and county shelters are regulated. You have animals immunized, spayed, and neutered. They are not contributing to the overpopulation of pets in Nevada. For-profits do not always have that. Larger companies do, but we are talking about the folks who go to swap meets that are not regulated. It is still a big business, but it does not have the corporate structure that you would see at those larger stores.

Assemblyman Carrillo:

Are you saying that the provision in A.B. 246 should be struck from the bill because they are already regulated and do not need an exemption?

Kevin O'Neill:

No, I simply suggest that the language needs to be clarified. We have seen other regulations like this. The City of Los Angeles just passed a sweeping regulation that is far larger than this and has similar language that allows nonprofits to adopt out animals at pet stores. The model here that they are trying to follow is that there are nonprofits here in northern Nevada that get animals adopted out this way. We tried to work that into the bill so they still have that opportunity.

Assemblyman Carrillo:

You are saying that it needs to be clarified and should not be struck.

Kevin O'Neill:

Correct.

Assemblywoman Swank:

There were problems with the Broadacres Open Air Marketplace in North Las Vegas. I know there were changes in the regulation of that swap meet. I would like to know how those new regulations are working.

Karen Layne:

One of the reasons that we took this on is that every weekend we would get calls about the condition of the animals. Since that ordinance was passed in early 2010, we no longer get those calls. I can only tell you that this would be our concern.

Assemblyman Wheeler:

When I first read this bill, I thought it was a pretty good idea. Now I have heard that we are going to stop bait dogs, stop disease, and flowers are going to fall

from the sky. I find it a little hard to take. Ms. Newman said that right now the regulations are impossible to police. Why in the world would a state regulation be any easier to police?

Kevin O'Neill:

I do not have any visions of this bill being a panacea with rainbows coming out of the clouds. Animals get into Nevada through many avenues, like Internet sales. Regulating swap meets will not end that. Having a statewide program that can be enforced makes it easier for regulators to explain the standard. A patchwork of different regulations makes it more difficult to enforce. Many animal welfare laws are enforced by neighbors taking action. A statewide law would help with that.

Assemblyman Wheeler:

I want you to clarify that a little bit. Local regulations are actually enforced by local agencies and neighbors. Are we going to create a new state agency to enforce these regulations? Otherwise, it will still need to be enforced by local agencies. Local agencies know the local laws just as well as they know the state laws. I do not see how we are going to get more enforcement on this.

Assemblyman Hansen:

This question is for the Clark County folks. One of the people testifying suggested that there is a huge market for bait dogs that are used for training and dog fighting. I assume that is something you would enforce. Is there any evidence that what they said is based in fact?

Michael Murphy:

I am not personally aware of any bait dogs. In my previous work with the City of Las Vegas Animal Control, we had problems with dogs being used for fights, but I cannot address the breeding of bait dogs. I can certainly check with our animal control division and get you a specific answer to that question.

Assemblyman Hansen:

That is currently against the law, is it not?

Michael Murphy:

Under our ordinances, I believe it would be against the law.

Stacia Newman:

I was trying to point out that they have closeout sales on small animals. Many of these puppies, kittens, and rabbits are very cheap and end up as bait animals or cheap food. I get calls on a regular basis, especially for the Fantastic Swap Meet, about the filthy conditions, mishandling of animals, and sick animals.

If you do not know where the animals are housed, how can you possibly check on them? This swap meet is in the city. Enforcement has its hands full doing regular animal control. We cannot have them take on additional things. If the animals are not there for sale, that would eliminate the problem. We should not have those animals there.

Chair Daly:

As you can see, you need to work out some of these issues. You need a definition that leaves out the sale of livestock and poultry. You can do that by saying it is a licensed or sanctioned event, because all of those will be. I am hearing that indoor and outdoor swap meets are not regulated very well. Someone said something earlier about jurisdictions. If it is a jurisdiction issue, we need answers on that. As Assemblyman Hansen said, there are laws against 90 percent of what we just heard. I am concerned with vaccinations and the origin of exotic animals. If the answer is to stop the sale of animals other than livestock at swap meets, we need to say that, including nonprofits. I do not see where nonprofits should get an advantage over someone who has a legitimate business and tries to stay in compliance with the rules. You need to address that. It seems that some regulations have started to fix the problems. Mr. Murphy, who has jurisdiction to enforce the laws already on the books?

Michael Murphy:

Clark County currently has an ordinance against cruelty to animals, which would cover the feeding of puppies to other animals. Clark County does not currently have a swap meet that operates in our jurisdiction. The cities handle their own animal control. We work together on several things such as animal shelter and response during emergencies. We have not needed enforcement in the unincorporated areas of Clark County because there are not any currently operating that we are aware of. All of the jurisdictions handle their own issues. I do not want to speak for the sheriff or the Las Vegas Metropolitan Police Department, but I can tell you that the Cities of Las Vegas, North Las Vegas, Henderson, Boulder City, and Mesquite have animal control officers who enforce a complaint onsite. I have supervised some of those in the past. We support this because we believe it further codifies what we are already doing. Each of those jurisdictions would handle those enforcement issues. If calls were made, they would be funneled through the 3-1-1 system and the appropriate jurisdiction would handle that.

Chair Daly:

I do not mean to unfairly single you out and I know you only handle the unincorporated areas of the county, but in general, is it normally animal control who would look at the treatment of animals?

Michael Murphy:

I will speak again for Clark County. Our animal control folks will address animal control issues. Law enforcement is called only when there is a bite and a need to protect citizens or enforcement officers. Animal control staff are code enforcement officers and not law enforcement or peace officers. They may call for additional assistance. They have the ability to issue citations and enforce the rules and regulations.

Dan Musgrove, representing City of North Las Vegas:

It is nice to hear the discussion today and advocates feel good about what has happened in North Las Vegas. That is one of the reasons we feel this is best done at the local level, even though we are against the mistreatment of animals. It is tough to have something that fits everyone. Jurisdictions are more able to craft an ordinance with citizen input that will address the problems. You are right; there is no state agency that will handle an animal control issue in the City of Las Vegas. It is going to be local animal control divisions who do the enforcement. Our animal control officers work seven days a week and handle those complaints. Most of the time, those complaints come from citizens. They are our eyes and ears. We want to make sure there are good operators and that bad operators are sanctioned and put out of business.

Chair Daly:

I appreciate that. I do not think anyone on this Committee or in the audience condones the things we saw and heard today. The question is how to be fair to everyone and address the treatment of animals while allowing reputable operators to do business. Given exemptions for livestock, is it possible to say that it is not legal in the state unless the county has adopted an ordinance with minimal standards? That way, if a county wanted to say, "These are going to be here, but you have to operate under this ordinance," they could, but it would be illegal in the rest of the state. It seems to me that this would cover some bases and leave local control. I do not know if it is a big issue in Elko County, but if they do not have swap meets, it will be illegal until it becomes an issue for them and then they will draw up an ordinance.

Kevin O'Neill:

That is definitely an interesting avenue. I cannot comment on it at the moment. My first reaction is that we would want some minimum standards in the bill to make sure a county does not pass an ordinance that does not do anything. Considering how the Committee sits and the questions that have been raised, I do not think it is a bad idea to look at.

Chair Daly:

That is what I was saying. It would be illegal in the state unless a county adopts an ordinance with these minimum standards. You are going to set a minimum. There will be ire, but you would say that if you are going to sell animals, you need to be licensed, vaccinations must be up to date, and animals must be obtained legally. Of course, there cannot be endangered species trading. You need to identify the minimum standards for the local ordinances. Someone is going to have to work on this bill. We can get a definition from the U.S. Department of Agriculture on livestock. Sanctioned and licensed events could be excluded if there is already oversight.

Assemblyman Ellison:

I am not saying that they do not have swap meets in Elko, I am just saying that I have never seen animals at one. Swap meets are open to the public. What happens if people want to give away or sell a litter of puppies? If they cannot do either, they might end up in the street or at the pound.

Kevin O'Neill:

Animals at these swap meets are coming in from breeders. I do not think that would be a major issue if there was a ban on live animals being sold at swap meets.

Assemblyman Ellison:

Would this bill not throw them into the same mix?

Chair Daly:

Yes, it would, but there would be discretion on the officer's code enforcement. They are going to write a ticket to a family selling puppies and say, "Hey, stop it, you cannot do it here." That is how it would be handled 99.5 percent of the time.

Assemblyman Livermore:

I am sure it would be a natural, easy process to purchase a business license. When I was a local official, we had requirements to get a business license for how they functioned. I know most of the cities in Clark County require you to have business licenses. It seems like the easiest way to capture your intent rather than make it a law that affects everyone.

Chair Daly:

Thank you. I look forward to hearing back from you. Feel free to talk with anyone on the Committee. Is there anyone else in support of this bill? Seeing no one, we will open the microphones to opposition on A.B. 246.

Stephanie Allen, representing Broadacres Open Air Marketplace:

There has been a lot of discussion. We support the humane treatment of animals. We are happy to comply with the regulations imposed in North Las Vegas. They are working. We think you can protect animals more through regulation rather than through banning one point of sale. If you prohibit the sale at swap meets, then they will sell them somewhere else. We propose an amendment that would exempt local jurisdictions with their own regulations ([Exhibit S](#)).

Olegario Garcia, General Manager, Broadacres Open Air Marketplace:

I am happy to answer any questions.

Chair Daly:

I will open it up to questions from the Committee.

Assemblyman Hansen:

I observed that most of the groups who testified have a general position against animal sales of any type. In your experience in dealing with them, has that been the case? My observations are that they want to put you out of business, not because of cruelty, but because they object to animals being sold as pets as a general rule.

Stephanie Allen:

I cannot speak for them. I certainly hope that this bill is not targeted at our client. I know the regulation in North Las Vegas is working, and we want to be treated like everyone else who is allowed to sell pets. We are the largest open-air market in the state. We have 11,000 vendors and 5 of them sell animals. They are permanent vendors with business license tax identification numbers. They are regulated through the City of North Las Vegas and inspected through the Division of Animal Control. There are all kinds of requirements regarding the conditions of the animals outside, as well as inside, pet stores. We are complying with those requirements and want to allow our vendors to continue to operate their businesses.

Assemblyman Wheeler:

Do you have anyone at Broadacres Open Air Marketplace who checks on these animals?

Olegario Garcia:

I, along with four assistant managers and a security director, know the ordinance very well. We are very particular to make sure that everything in the ordinance is being followed. Since the ordinance was passed, we have not had any issues with animal control, and we have a very good relationship with them.

Assemblyman Aizley:

Ms. Allen used the term "permanent vendor sale license." Is that something that exists?

Stephanie Allen:

You can be a permanent or weekend vendor. The latter just sells temporarily. A permanent vendor has a business license and is there every week. There are recourse provisions in the North Las Vegas code, just like a pet store.

Assemblyman Aizley:

Do the people in support of this bill accept that as a condition to sell animals? That can be answered later.

Chair Daly:

Are there any other questions from the Committee for these two? Seeing none, is there anyone else in opposition?

Karen Layne:

It is my understanding that you are in opposition if you have a problem with sections of the bill. The Las Vegas Valley Humane Society does not agree with exempting the bona fide nonprofit organizations. If you look at the state statute, puppies and kittens can be put out on a voucher until they are four months old. That is one reason that we would not support this. Clark County has stricter ordinances regarding spaying and neutering. If you are not going to sell or transfer ownership, then you should include nonprofits as a part of that. We fought this issue in the City of North Las Vegas, and we would not like to do it again. If you were to take out that exemption, we would support this bill.

Erika Greisen, Founder, Teens for Animal Protection:

I was one of the people called to Broadacres Open Air Marketplace, where we saw a horrific scene of hundreds of dogs in hundred-degree weather. They were not moving because they were trying so hard to breathe. My mom actually got heat stroke, and I got heat rash. I cannot imagine how these puppies were doing any better than I was. I was glad we got restrictions on the weather but, no matter who you are, you should not be selling animals out there. It is not fair to the animals. The only reason they would be there is for profit by the seller. I am opposed to this bill and breeders or organizations selling animals.

Chair Daly:

I think you may misunderstand. We will mark your testimony in support of the bill, which means that you cannot sell animals at the swap meet. Opposition to

the bill means that we should not pass it and you can sell animals at the swap meet.

Gina Greisen, President, Nevada Voters for Animals:

Erika Greisen is my daughter, and I would like to clarify her testimony, which is what you were saying earlier. She is saying that no one should be able to do it, not even rescue organizations. There should be no exceptions; no live animals should be sold or adopted out by anyone.

This leads into my testimony. We worked with the City of North Las Vegas and the Broadacres Open Air Marketplace to create limitations. We wanted to have an outright ban on the sale of animals. We support the language at the beginning of the bill, but there should not be any exceptions. I encourage the members of the Committee to watch the video taken at the Broadacres Open Air Marketplace in 2009. With the advent of social networking, rescue organizations could have a booth and show pictures instead. I do not believe that you should be transporting animals to swap meets. They are not a place for animals. We would be glad to work with folks to remedy the language.

I know it is very expensive to run for office. When we dealt with Broadacres Open Air Marketplace, I could not understand how this went on for so long. I did not know this was happening until I got a call. It had gone on for years. No one would show up and no enforcement was going on. I looked at campaign contribution and expense reports and there is obviously a lot of money at stake. It is a big business. I encourage everyone to do a search on campaign contributions, which is easy to do on the Nevada Secretary of State's website.

Chair Daly:

Feel free to look up campaign contributions. I can tell you that nobody up here is making any decisions based on any of that. Nevertheless, this issue is important. When Ms. McGrath asked for a bill draft resolution, I agreed because I am interested in making sure that the animals are kept in good conditions and it is regulated. I wanted to hear more about this issue, which is why we are here. If anyone is in the neutral position on this bill, I would love to hear from them. Seeing no one, are there any closing comments?

Beverlee McGrath:

I took copious notes and will be happy to meet with Committee members regarding the language. I would be more than happy to meet with Assemblyman Hansen to discuss cruelty and humane standards. Thank you for your suggestions.

Chair Daly:

With that, we will close the hearing on A.B. 246. You have some work to do. I recommend that you get to it because you only have two weeks and three days to get something passed. We will open the hearing on Assembly Bill 381.

Assembly Bill 381: Encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources and Partners in Conservation to collaborate to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, Nevada. (BDR S-909)

Assemblyman Crescent Hardy, Clark County Assembly District No. 19:

[Read the bill summary.] All of our ghost towns in Nevada are unique, but St. Thomas holds particular distinction. St. Thomas was one of the first established communities in Clark County. [Continued to read from prepared testimony ([Exhibit T](#)).

Assemblyman Aizley:

What are you going to do if the water rises again?

Assemblyman Hardy:

If the water rises again, the foundations will still be there, as they are today. We would like the opportunity to seek our heritage. The people here today have ancestors that came from that area and they would like to be able to hold events.

Assemblyman Aizley:

Is there a road leading to St. Thomas now?

Assemblyman Hardy:

Yes, and it can be better explained by the folks here.

Lindsey Dalley, Founder and Chairman, Partners in Conservation:

I am founder and chairman of Partners in Conservation, a 501(c)(3) nonprofit established about 15 years ago to help communities preserve the things they value. I would like to give a brief overview about St. Thomas and how it relates to the surrounding communities.

I also want to clarify that this bill is not about historical artifacts. There are many laws protecting those. The question of what we will do when the lake rises is a legitimate question. The artifacts in St. Thomas are rapidly becoming destroyed because of the actions of the lake, but anyone concerned about St. Thomas does not have a problem with that. We gave up that tie knowing

that it was for the greater good because the lake would benefit more people than just the local community. The problem is our ability to access the treasured sites and the living culture of our youth when they are above water. There needs to be a way for people to transfer that culture from generation to generation.

Slide 2 ([Exhibit U](#)) is a collage of youth in the Virgin Valley. They are on a handcart track that was done last year. They are learning about the culture that St. Thomas represents. It is important to teach these youth that there are hard, but necessary, things they must do for their families, their community, and our nation. As they have these experiences, they are learning the difficult circumstances that their ancestors had to negotiate.

St. Thomas was the crossroads of its era. The Arrowhead Trail went through it. It was first settlement that was designed to be permanent. The people that settled St. Thomas were hardy, rough people who could make something out of nothing.

I have signed copies of resolutions ([Exhibit V](#)) from each of the communities that St. Thomas came from. They are the City Council of the City of Mesquite, the Moapa Town Advisory Board, the town of Moapa Valley (Logandale/Overton), and the Bunkerville Town Advisory Board. These resolutions were the basis of the bill. The cultural importance of St. Thomas has never ended. I brought a stack of books about the culture, history, and stories of St. Thomas. Their titles are: *Mesquite Flats, A River and a Road, Zion on the Muddy, 100 Years on the Muddy, Hookey Beans and Willows*, and three volumes of *Muddy Valley Reflections*. All of these books do a good job defining the culture of St. Thomas.

The genesis of this legislation came from a reunion in the town of St. Thomas. The town sits about a mile from the shoreline. The communities decided to construct a road to get the elderly to the reunion. Communities volunteered over \$100,000 in time, equipment, and fuel to construct a road. The park service was very helpful in making this happen, but one of the purposes of this bill is to get official status to facilitate future events. Over 1,400 people attended the reunion. People brought their pictures and treasured items. Everyone got a chance to renew old acquaintances. This was the third reunion. The second one was in 1965, when I was seven years old.

Slide 5 ([Exhibit U](#)) is a map showing that St. Thomas was a very different place in the 1860s. The transportation corridors were very different. The closest thing to St. Thomas was Overton Beach.

Lola Leavitt Egan would have loved to be here to testify. She has ancestry dating back five generations. She was unable to attend. She wrote a composite narrative to show the emotional ties to this culture. We have slides to illustrate what she is talking about. [Read Lola Leavitt Egan's narrative ([Exhibit W](#)) and referred to pictures in the presentation ([Exhibit U](#)).]

This legislation will not let the memories decay like the dead artifacts around and under Lake Mead. It will allow us to pass this culture to our children for Nevada's continued benefit. It will also allow it to be a living culture and not a dead one only read about in the history books. Help us teach our children about their St. Thomas culture by passing this bill. Thank you very much.

Chair Daly:

You mentioned resolutions from various town boards ([Exhibit V](#)). Please give a copy to our staff. Is there anything else?

Lindsey Dalley:

We have two other presenters who will talk about this presentation. I am done with my portion.

Chair Daly:

Please proceed, but do it as rapidly as possible.

Kenna Dalley, Private Citizen, Logandale, Nevada:

I am currently the theater teacher at Moapa Valley High School. I received my master's degree in theater at New York University. I was asked to put together the ethnodramas for the St. Thomas Alive event that took place in March last year. Part of my master's degree program consisted of using theater as a tool to disseminate historical and educational information to the community, especially the youth. We took seven histories of people who lived in St. Thomas and dramatized them. It was amazing and I loved every second of it. These slides ([Exhibit U](#)) are pictures of what we did.

There is a saying among theater practitioners that a play is like life with all of the boring parts taken out. To modify that saying, an ethnodrama is like our culture with all of the boring parts taken out. That is what we did; we dramatized our culture. We played out our stories, taught our morals, and relayed our culture. The connections that we made between the youth and the older generations are some of my most treasured memories. This experience was powerful for me; it propelled me to think more about how powerful performance and theater can be for a community's identity. I am using this experience as the foundation for my doctoral dissertation.

During the rehearsals, I directed a few teenage girls, and we ended up talking about local connections. We learned that a sister of one of the characters in the play was still alive. I invited the teenage actors to come with me to meet her. When we visited with Marjorie, they had a blast talking with her about how it really was back then and learning about the scene that they were performing. The connection between those teenagers and this elderly lady was fascinating to watch. It was so powerful the girls got emotional when they performed the scene. Another woman shared with me that her husband walked up and down the streets of St. Thomas with his oxygen tank reminiscing. He loved our performances.

Could we have performed in a high school theater? Possibly, but it would not have been so powerful. The play was done within the old foundations of the schoolhouse. It was because we were at the site that they made such an impact. Many of these kids performed with their parents or community leaders. I did not anticipate one outcome of the play. A woman with no genealogical ties to St. Thomas told me that she had never felt any ties to the valley, but after our performances, she felt that these were her people. I was quite shocked. Taking people to the site led to the powerful impact. It is the difference between seeing a print of a Van Gogh painting and seeing the actual painting. There is another saying in theater that all one needs is two planks and a passion. We certainly have the passion, but I am here to tell you that having the place to perform is the plank that makes the difference.

Barry Bunker, Private Citizen, St. George, Utah:

I am part of St. Thomas' living culture. With the last name of Bunker, I am related to Bunkerville in Mesquite. My family came from St. Thomas, and my father was raised there. Slide 33 ([Exhibit U](#)) is a picture taken in 1930 of my father's family. Martin Bunker was my grandfather and this is his family. It is a motley-looking crew. When I look at it I think, "They would not amount to anything; they are just a bunch of old dirt farmers." However, in that picture there is a U.S. Congressman, a U.S. Senator, a Democratic Majority Speaker of the House, and an honorary member of the Senate Hall of Fame, whose picture hangs in the hall downstairs. Obviously, I am a little proud.

Slide 34 ([Exhibit U](#)) shows one of the freight trains on the Arrowhead Trail in downtown St. Thomas. The man labeled with a nine in that slide is my uncle, Marty Bunker. He was renowned for being a teamster and hauling freight from the Grand Gulch Mine. When my dad was 12 years old, he would ride with Marty to the mine and take care of the horses. One time, they were about 12 miles out of town when the lead horse got sick. The sun was going down and Marty told my dad to ride back to St. Thomas on an 1,800-pound horse with nothing but a bridle. They had no flashlights. He told him to bring back

medicine and a second horse. My dad had to cross back over the Virgin River by himself. It was spring, waters were running high, and quicksand was rampant. The only advice Marty gave him was to wait a few minutes when he got to the river because the horse would know where to cross. How would you like to do that with a 12-year-old these days? He reached home at about three o'clock in the morning, got help, and brought another horse back. They were tough and they had to do it all.

Slide 35 ([Exhibit U](#)) shows the Bunker Homestead. This was the second home my family built in St. Thomas. When my father was five years old in 1909, he helped his dad in the fields. They were riding away from the home when they heard his mother scream that the house was on fire. By the time they got back to the house, it had burnt down. They lost everything, first by fire and second by water. They lost both houses.

The picture on slide 36 ([Exhibit U](#)) was taken in 1952. This is where I enter the scene and I am labeled number two. One of the national magazines came and took pictures of one of our reunions. I had no clue that there were national magazines or anything else. I was excited because my dad had buried a can of marbles off the corner of the house and we got to dig it up. That was a big deal for me. Slide 37 is the 1952 reunion again. My sister, Patty, is number 14 and her husband, Lyman, is number 12. Right behind the gentleman marked with a number 1 is an organ. It is an old pop organ that you could carry with you. That organ was at the 1952, 1965, and 2012 reunions. I still have that organ. Slide 38 is a picture of Robert E. Jones, chief judge at the U.S. District Court. He is presenting awards in recognition of the members of the last reunion. He is part of the family by marriage; he is married to Wayne Bunker's daughter, Michele Bunker. He has a real interest in the living culture of the valley. Slide 39 ([Exhibit U](#)) is a picture of my father and me. My father was 89 years old here. He had developed cancer and did not have long to live. He asked my brother and me to take him to Lake Mead, overlooking St. Thomas, so that he could explain to us one more time what it meant to him. He passed away three weeks after this picture was taken. Many families played a great role in the history of southern Nevada and the state of Nevada. That is the reason we want to preserve this culture.

Assemblyman Aizley:

Is the road finished? Can we drive down there?

Lindsey Dalley:

They finished the road. The permit expired and the road became invalid. They locked the gate and we were done.

Assemblyman Paul Anderson:

I understand the significance and history of this location. I have been there a few times. If this bill were to pass, what does it do for us? Does it give the public access to the facility? What would it help us to accomplish?

Lindsey Dalley:

It formally states that this history and living culture are important to Nevada. That allows us to go back to the National Park Service and explain that they already have provisions that allow groups to access parts of the park if there are traditional ties. The National Park Service personnel rotate through every five to ten years so we have had to retrain them frequently. After we got done with the St. Thomas Alive reunion, they were very pleased, but it took six months of working with them because they did not know what it was or what we were trying to do. They did not understand the strong ties. This bill codifies that this is a valuable piece of Nevada history. When they go to the State Historical Preservation Office, they know it is important. There is no money required. Nobody wants to build anything. We just want to have access and be able to go back there.

Chair Daly:

I understand the historical ties. It is very interesting to me. Is it a park now?

Lindsey Dalley:

It is inside the park at the bottom of the lake. When the lake goes down, which varies, we would like to go back. The level of the lake varies and we have no control over that.

Chair Daly:

When the lake is at its highest level, how far below the water is St. Thomas?

Lindsey Dalley:

I think it is 50 to 80 feet. You can scuba dive around them. You see many salt cedars. The next time the water comes up, the foundations will be inundated and probably destroyed beyond recognition by the Quagga mussel. The artifacts are going to disappear very rapidly. We are more concerned about access so that the living culture can continue.

Chair Daly:

While it is exposed, will people have access to it?

Lindsey Dalley:

Yes, when the opportunity presents itself.

Chair Daly:

No one will be able to stop the lake.

Lindsey Dalley:

Of course, we are not asking that. The intent is not to keep Lake Mead down.

Chair Daly:

Most of us hope that the lake goes up. Right now, it is an access issue, and the resolution will help the powers that be let you get there while it is there.

Assemblyman Hardy:

I am going to go a little more in depth. It has been very difficult to go down there in the past. The people with the National Parks have been very helpful, but their policies and procedures are hard. This would help get through their process more easily. Mr. Dalley and our Congressional representatives were all involved to get this permit to go through. This will help solve that issue the next time the water recedes. That is what this bill is about.

Rebecca L. Palmer, Acting State Historic Preservation Officer, State Historic Preservation Office, Nevada Department of Conservation and Natural Resources:

As the Office of Historic Preservation is named in this bill, I am here to testify concerning our current efforts to work collaboratively with the National Park Service at the Lake Mead National Recreation Area to preserve and protect the valuable site of St. Thomas. I am testifying in support of the bill, but I want to make it clear that St. Thomas is a site on federal land and the role of the State Historic Preservation Office does not include management of this site or the assignment of traditionally associated group status.

Currently, the site is located on land managed by the National Park Service under Section 110 of the National Historic Preservation Act of 1966 as amended. This federal agency is responsible for ensuring the preservation and protection of this resource, which has been determined by consensus between the National Park Service and this office to be eligible for the National Register of Historic Places. In our capacity as the state reviewing agency for federal agency actions, under Section 106 of the National Historic Preservation Act, this office has expeditiously reviewed all previous actions that the National Park Service has proposed for St. Thomas. These include the St. Thomas Alive event of March 2012 and the numerous invasive species and fuels reduction proposals that currently protect the remains of the community.

Through the Historic Preservation Site Stewardship Program, site stewards have been assigned to St. Thomas in the past to make sure that any unauthorized

disturbances to the site are recorded and quickly reported to the National Park Service. This office can continue to work with the Partners in Conservation and the National Park Service to train and assign site stewards to this valuable resource in the future. Beyond that, while the state office will continue to work with Partners in Conservation on this site, no current state funding exists for additional program development.

Chair Daly:

Seeing no other questions from the Committee, I have one question. Was it named a National Historic Site, and if so, will you still not try to stop the lake?

Rebecca Palmer:

We cannot stop the lake nor would we want to. St. Thomas has been determined to be eligible for the National Register of Historic Places by consensus between our office and the National Park Service. It is not listed in the National Register, but it certainly could be.

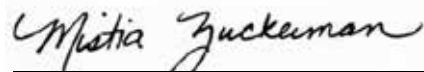
Chair Daly:

Is there anyone else in support? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in the neutral position? [There was no one.] Thank you very much. There may have been some exhibits or testimony that got submitted to NELIS and not mentioned today. Those will be put into record regarding the bills today ([Exhibit W](#)). At this time, I will close the hearing on A.B. 381, and we will open the microphones for public comment. Seeing none, meeting adjourned [at 3:03 p.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

RESPECTFULLY SUBMITTED:



Mistia Zuckerman
Transcribing Secretary

APPROVED BY:

Assemblyman Skip Daly, Chair

DATE: _____

EXHIBITS

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

Date: **March 26, 2013**

Time of Meeting: **12:30 p.m.**

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.C.R. 3	C	Assemblyman Ohrenschall/ Randy Robison	Presentation
A.C.R. 3	D	Randy Robison	IEYC Video
A.C.R. 3	E	Randy Robison	Proposed Amendment
A.B. 246	F	Beverlee McGrath	YouTube Video
A.B. 246	G	Beverlee McGrath	Testimony
A.B. 246	H	Beverlee McGrath	Fact Sheet
A.B. 246	I	Beverlee McGrath	Snake Photo
A.B. 246	J	Beverlee McGrath	Turtle Photo
A.B. 246	K	Beverlee McGrath	Reptile Photo
A.B. 246	L	Beverlee McGrath	Puppy Photo
A.B. 246	M	Beverlee McGrath	Snake Bite Video
A.B. 246	N	Beverlee McGrath	Iguana Photo
A.B. 246	O	Karen Layne, Las Vegas Valley Humane Society	Testimony
A.B. 246	P	Margaret Flint, Nevada Humane Society	Testimony
A.B. 246	Q	Kevin O'Neill, American Society for the Prevention of Cruelty to Animals	Testimony
A.B. 246	R	Michael Murphy, Clark County	Testimony
A.B. 246	S	Stephanie Allen, Broadacres Open Air Marketplace.	Amendment
A.B. 381	T	Assemblyman Hardy	Testimony
A.B. 381	U	Lindsey Dalley/Kenna Dalley/Barry Bunker	Presentation
A.B. 381	V	Lindsey Dalley	Resolutions
A.B. 381	W	Lola Leavitt Egan	Testimony