

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

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

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:39 p.m. on Tuesday, May 14, 2013, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Aaron D. Ford, Chair
Senator Mark A. Manendo, Vice Chair
Senator Tick Segerblom
Senator James A. Settelmeyer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Assemblyman Tom Grady, Assembly District No. 38
Assemblyman James Ohrenschall, Assembly District No. 12
Assemblywoman Heidi Swank, Assembly District No. 16
Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Bryan Fernley-Gonzalez, Counsel
Patricia Devereux, Committee Secretary

OTHERS PRESENT:

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Tina Brodrick
Jim R. Barbee, Director, State Department of Agriculture
Deniz Bolbol, American Wild Horse Preservation Campaign
H. Bonnie Matton, Wild Horse Preservation League

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Susane Tagayev
Kevin O'Neill, American Society for the Prevention of Cruelty to Animals
Sandy Noffsinger
Mikel Ann Hettrick
Shannon Windle, President, Hidden Valley Wild Horse Protection Fund
Dr. Patrick Colletti
Beverlee McGrath, 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; Lake Tahoe Humane Society and Society for the Prevention
of Cruelty to Animals; Compassion Charity for Animals; Pet Network of
Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; Lake Tahoe Wolf
Rescue
Pamela Hormiotis, Lake Tahoe Wolf Rescue
Ruth Mason
Anne Hall
Kelly Hyatt
Gayle Weatherman
Betty Kelly
Kyle Davis, Nevada Conservation League Education Fund
Jeannie Gregory
Johnye Saylor
Don Alt, Chair, Nevada Live Stock Association
Margaret Flint, Nevada Humane Society; Canine Rehabilitation Center
and Sanctuary
Stacia Newman, President, Nevada Political Action for Animals
P. Michael Murphy, Clark County
Jennifer Lazovich, Broadacres Marketplace and Event Center LLC
Kristen Corral, Nevada Political Action for Animals
Gina Greisen, President, Nevada Voters for Animals

Chair Ford:

We will open the hearing on Assembly Bill (A.B.) 246.

ASSEMBLY BILL 246 (1st Reprint): Prohibits the sale or transfer of ownership of
a live animal at a swap meet under certain circumstances. (BDR 50-747)

We will close the hearing on A.B. 246 and open the hearing on A.B. 310.

ASSEMBLY BILL 310 (1st Reprint): Revises provisions governing irrigation districts. (BDR 48-941)

Assemblyman Tom Grady (Assembly District No. 38):

Assembly Bill 310 concerns irrigation district boards of directors, specifically the Truckee-Carson Irrigation District (TCID) board, headquartered in Fallon. The bill would allow irrigation districts to buy insurance to protect their boards of directors, officers and employees. Districts do not have the authority to do so, which was not realized until the TCID canal broke in January 2008 near Fernley and flooded many homes. Homeowners sued the individual TCID directors, settling within the limits of the directors' personal liabilities through their ranch insurance policies.

Some larger irrigation districts were having trouble buying or leasing large equipment due to the districts' general fund borrowing limits of \$500,000. Some of this equipment costs \$300,000 to \$400,000. The bill seeks to increase the those limits from \$500,000 to \$1 million.

Chair Ford:

Do irrigation districts lack the statutory authority to purchase insurance for employees?

Assemblyman Grady:

They cannot buy liability insurance for their staffs.

Chair Ford:

Are irrigation districts governmental agencies? Do other such entities lack this authority?

Assemblyman Grady:

Irrigation districts are governmental agencies. We did not find other agencies that cannot buy employee insurance. We thought the districts should have been under the State liability provision, with its \$100,000 cap. However, a judge ruled that the districts were not covered.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 310.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Chair Ford:

We will close the hearing on A.B. 310 and open the hearing on A.B. 264.

ASSEMBLY BILL 264: Increases the penalty for certain crimes relating to estrays and feral livestock. (BDR 50-531)

Assemblyman Tom Grady (Assembly District No. 38):

Assembly Bill 264 would only affect wild horses in the Virginia Range, not the entire State. The Virginia Range extends from the east end of Carson City by the Eagle Valley Golf Course down U.S. Highway 50 to the Virginia & Truckee Railroad overpass. If gates are left open, wild horses may cross Highway 50. Past Dayton, horses are seen on both sides of the highway all the way to Silver Springs. From Silver Springs, Fernley is about 15 miles to the north on U.S. Highway 95 Alternate. Horses are seen in many areas along that road, but a new fence has helped keep them away, unless gates are left open. At Fernley High School, horses cross the highway almost nightly to graze in the ball fields. This results in highway-crossing hazards and damage to turf. The high school has gates, but sometimes they are left open.

From Fernley, west along the Truckee River and up Interstate 80, USA Parkway to the Tahoe Reno Industrial Center area is home to many stray and locally owned horses. From eastern Sparks heading south, horses are in the Hidden Valley subdivision to Damonte Ranch High School and surrounding residential areas. There was an accident in Pleasant Valley involving three horses and several vehicles. Two horses were killed at the scene, and the third was later found dead in a nearby yard. Through Storey County, wild horses are found along State Highway 341 along Geiger Grade through the Virginia City Highlands subdivision and down from the Comstock area in all directions.

I emphatically state that this is not an anti-wild horse bill. It would provide safety for horses and humans. Under *Nevada Revised Statutes* (NRS) 569.040 to 569.130, it is unlawful for a person, other than an authorized agent of the State Department of Agriculture (NDA), to feed or retain possession of wild horses. The bill seeks to change NRS 569.031, section 1, which specifies that feeding horses will result in a warning. The bill would make it a gross misdemeanor for a second or subsequent violation. The warning has been in the NRS for a long time but did not have the hoped-for effect. All parties to the amendment agreed that a gross misdemeanor penalty is needed to stop the feeding.

Section 2 of A.B. 264 specifies that if a person keeps in his or her possession any stray or feral livestock, outside of the provisions of NRS 569.040 to 569.130, he or she is guilty of a gross misdemeanor.

We must give sheriffs, deputies and the Nevada Highway Patrol (NHP), Department of Public Safety, the authority to stop homeowners and sightseers from feeding wild horses in order to protect the animals and humans.

Assemblyman Jim Wheeler (Assembly District No. 39):

You have a copy of the mock-up of my Proposed Amendment 8703 to A.B. 264 ([Exhibit C](#)). I was contacted by wild horse advocates who wanted to enter into a cooperative agreement with the NDA to manage, feed and provide birth control for Virginia Range horses. Nothing in the NRS contained the word "management," so Assemblyman Grady allowed us to amend the bill to authorize cooperative agreements "for the management, control, placement or disposition of strays and feral livestock." The NDA could enter into cooperative agreements with horse advocates to do so.

The proposed amendment's section 4, subsection 5, states:

The cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

Doug Busselman (Executive Vice President, Nevada Farm Bureau Federation):

The Nevada Farm Bureau Federation supports A.B. 264 and its proposed amendment.

Tina Brodrick:

The Virginia Range horses are wild animals that should not be fed. We must treat wild animals with respect, and feeding them is bad. Some wild horse advocacy groups have entered into cooperative agreements to feed horses that did not last. Agreements need to be reinstated for the horses' and humans' safety.

Chair Ford:

It is my understanding that there have been good and bad experiences with past cooperative agreements. Impounded horses have been released back into the wild and subsequently starved.

Jim R. Barbee (Director, State Department of Agriculture):

The rerelease to which you refer was not part of a cooperative agreement but a direct sale. The NDA supports A.B. 264 and the proposed amendment. The bill covers feral and estray livestock, not just horses, statewide. The NDA has never entered into cooperative agreements to manage livestock in the Virginia Range. The NDA has entered into cooperative agreements for the placement and adoption process over the past few months.

Senator Goicoechea:

The bill's section 1, subsection 1, paragraph (b) states that it is a violation to "Feed any estray or feral livestock." A cooperative agreement would allow feeding on private property, which includes much of the Virginia Range.

Mr. Barbee:

Unless we give individuals or entities the authority through a cooperative agreement to feed feral or estray livestock, regardless of whether it is on public, State or private land, that is the only time the NDA could identify if permission had been granted.

Chair Ford:

I want to ensure that is the proponents' understanding of the proposed amendment. Assemblyman Wheeler, is that how you also interpret it?

Assemblyman Wheeler:

In NRS 561.218, livestock may be fed by agents of the NDA, and upon entering into a cooperative agreement, these would be functioning as agents of the NDA. So, Mr. Barbee is correct.

Deniz Bolbol (American Wild Horse Preservation Campaign):

The American Wild Horse Preservation Campaign is a national coalition of more than 50 wild horse and burro advocacy organizations. We entered into the first cooperative agreement with the NDA to purchase gathered horses before they are sent to auction. An existing statute allows for the feeding of feral and estray livestock through a cooperative agreement.

Chair Ford:

"Management" of said livestock is not authorized in statute. Are you saying feeding is currently allowed by agreement?

Ms. Bolbol:

That is subject to interpretation. The statute states the NDA may enter into cooperative agreements to allow "control" of horses. The Office of the Attorney General determined the term "control" does not mean "management."

Chair Ford:

"Management" is a term of art in this arena.

Ms. Bolbol:

The American Wild Horse Preservation Campaign's lawyers disagreed with the Attorney General's interpretation, but they determined it was beyond their purview. That was why the term "management" was needed in A.B. 264. In all of my discussions with Mr. Barbee and local wild horse advocacy groups, we will seek to have diversionary feeding and watering as part of any cooperative agreement. However, fertility control programs must also be included. In depleted range areas, we do not want to supplement feed and increase the birth rate and exacerbate population pressures.

Chair Ford:

Do you agree with the interpretation of A.B. 264 that if a cooperative agreement is made that does not contain a feeding allowance, feeding cannot occur?

Ms. Bolbol:

Yes. All activities will be subject to the binding agreement's terms. However, our intention is to get authorization to feed, because that is critical to our ability to ensure horses are not attracted to urban areas. We are trying to mitigate

potential public safety issues. When neighborhoods have tasty exotic plants and there is a scarcity of natural food, everyone will gain if we can keep out horses.

This is a win-win-win situation. Local citizens will be involved and contributing time and resources to an issue about which they are passionate. The State wins because the NDA will not be burdened with implementing a humane management program. The horses win because keeping them away from urban areas removes them from danger, and humane fertility control programs also benefit them.

The proposed amendment would change NRS 561 and 569. *Nevada Revised Statutes* 561 will be amended by the passage of A.B. 20.

ASSEMBLY BILL 20: Revises provisions governing agriculture. (BDR 50-321)

Assemblyman Wheeler:

Mr. Barbee and I agree that passage of A.B. 20 will not affect A.B. 264 or its proposed amendment. Under NRS 569.040, subsection 1, paragraph (b), "it is unlawful for any person ... other than an authorized agent of the Department, to: ... Feed any estray or feral livestock."

Chair Ford:

When the two bills are reconciled at the end of the 77th Session, will discrepancies be fixed?

Bryan Fernley-Gonzalez (Counsel):

That is correct. I do not see a conflict between the two bills' language, so they can coexist. At the end of session, the Legislative Counsel Bureau Legal Division goes through bills to find conflicting amendments. When that occurs any conflicts between A.B. 264 and A.B. 20, will be resolved.

Mr. Barbee:

The intent of A.B. 20 was to clean up the statutes in multiple areas. One of the areas that went into great detail regarding the feral estray was NRS 561. It was found to be redundant to NRS 569. When a review is done, I request any further conflicting or repetitive language found between NRS 561 and NRS 569 be corrected. Repetitiveness should be avoided wherever possible in the NRS.

H. Bonnie Matton (Wild Horse Preservation League):

You have a copy of my written testimony ([Exhibit D](#)). Passage of A.B. 264 and its amendment will benefit the NDA and our wild horses. In the Wild Horse Adventure of Nevada program ([Exhibit E](#)), guides take tourists to see horses on the range. The Wild Horse Preservation League began the program more than 5 years ago and has received myriad calls, letters, faxes and emails from other states and countries asking who can be contacted about it.

Better management of the Virginia Range horses will further enhance the Wild Horse Adventure of Nevada program and bring in more State tax revenue from tourists staying in hotels, eating in restaurants, gambling and buying souvenirs. More than 50 percent of products bought in the Legislature gift shop are related to wild horses. Assemblyman Wheeler held a half-hour meeting with me and two other horse advocates in which he said, "I want to hear both sides of the cooperative agreements story."

Susane Tagayev:

You have a copy of my written testimony ([Exhibit F](#)). Assembly Bill 264 and its proposed amendment would bring cooperative agreements to manage wild horses for their safety and that of people. According to the Wild Free-Roaming Horses and Burros Act of 1971, public law protects wild horses and burros. Yet, they have faced much peril from the NDA and the Bureau of Land Management (BLM), U.S. Department of the Interior. Wild horses deserve to live freely, which is imperative to their well-being and survival.

Kevin O'Neill (American Society for the Prevention of Cruelty to Animals):

The American Society for the Prevention of Cruelty to Animals supports A.B. 264 and its proposed amendment.

Sandy Noffsinger:

I support A.B. 264 and its proposed amendment.

Mikel Ann Hettrick:

I own a fed wild horse. People at the Moonlite BunnyRanch in Moundhouse fed and watered a band of wild horses three-tenths of a mile from Highway 50. There are thousands of acres of rangeland a half-mile from the BunnyRanch and a large pond. The band never returned to the hills because they were being fed. A drunken driver killed three horses grazing along the highway. The band was trapped as nuisance horses and sold. The real nuisances were those who fed

and watered them. The band's stallion lost his testicles, mares and freedom for someone's selfish, ignorant motive. The gross misdemeanor penalty must be enacted so law enforcers have the authority to warn and fine feeders and help stop horse-caused vehicular accidents. Horses need to be protected from those who feed them.

I will show photos ([Exhibit G](#)) and describe ([Exhibit H](#)) the reality of what goes on with the Virginia Range horses. This photo shows the property of a Stagecoach woman who fed 40 horses for about a year. When she stopped, several bands roamed the neighborhood for about 6 months, crossing Highway 50 many times before they returned to the hills. This photo is of the BunnyRanch. This photo shows the BunnyRanch feeding a band of horses after the three horses had been killed on the highway. The man in this photo is feeding horses at a trailer park 100 feet from Highway 50, despite warnings from the NHP. He was the direct cause of horses being killed.

This photo in [Exhibit G](#) is of a Stagecoach woman who feeds horses, which leave manure all over the neighborhood and streets. This photo shows a horse eating lawn clippings near Highway 50. It is likely the grass contains chemicals that can harm horses' digestive systems. This is a photo of people feeding horses so they can commingle with them, which is extremely dangerous. They also feed horses at their home half a mile from Highway 50. This is a photo of the Pleasant Valley accident that Assemblyman Grady referenced. The driver of the wrecked vehicle on the shoulder was lucky to not have been injured or killed.

What is the liability of horse feeders? They pay no price for the results of their actions. People are the problem, not the horses. More than 150 horses have been removed as nuisances after people fed them. Luckily, they went to a wild horse sanctuary, not a slaughterhouse. Other people, not the feeders, now have to pay for the horses' care. I have heard that the Lyon County district attorney and sheriff will not act upon the wild horse issue, because they cannot be bothered if there is no penalty.

Chair Ford:

Under NRS 569.040, "a person must not be cited or charged criminally but must be informed that it is unlawful to feed an estray or feral livestock." No wonder folks keep doing it.

Shannon Windle (President, Hidden Valley Wild Horse Protection Fund):

You have a copy of my written testimony ([Exhibit I](#)). I support A.B. 264 in its entirety, as it will protect wild horses, open the door to a positive and meaningful working relationship between the NDA and wild horse advocates, and give our hardworking law enforcers the teeth in the law they need to maintain safety in and around communities.

Horse advocates are taking the bill seriously as an opportunity for horses, communities and the State. By embracing this natural resource, we can diversify our economy by promoting wild horse ecotourism, bringing sorely needed tax dollars to the Virginia Range area. Acknowledging horses' value creates a win-win situation. Advocates are ready to work with the NDA and keep costs to the State to an absolute minimum. We have the resources and interest of State, national and international residents—a network ready to prove the success of humanely managing the Virginia Range horses. Hear our silent roar.

Dr. Patrick Colletti:

You have a copy of my written testimony ([Exhibit J](#)). I am a native of Virginia City who grew up surrounded by wild horses. My friends and I have looked after Storey County's wild horses for about 50 years, starting with cutting the barbed wire traps of "mustangers" in Six Mile Canyon. We now try to prevent horses from drifting down into Washoe County, which creates a huge problem for them and neighborhoods. Involving wild horse advocates with their management through the NDA would be a significant win-win situation.

Storey County lacks agriculture, so horses do not compete for feed in 99 percent of the County. There is evidence they have been there for about 300 years. I support advocates' efforts to move horses out of incorporated areas and back into the wild where they belong and to establish a long-term sanctuary in the County.

Beverlee McGrath (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; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; Lake Tahoe Wolf Rescue; Hidden Valley Horse Rescue):

We strongly support A.B. 264 and its proposed amendment.

Pamela Hormiotis (Lake Tahoe Wolf Rescue):

I support A.B. 264 and its proposed amendment. How will the new feeding regulations be enforced? Will there be a fine or just a gross misdemeanor penalty attached to the second warning?

Chair Ford:

The bill's section 1, subsection 3 states, "For a second or subsequent violation ... a person is guilty of a gross misdemeanor." There is no fine attached.

Mr. Fernley-Gonzalez:

The punishment for a gross misdemeanor is set forth in NRS 193.140:

Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

Ms. Hormiotis:

How will deputies be encouraged to enforce the law? This had been an ongoing problem, as noted by Ms. Hettrick.

Chair Ford:

We will not address that issue today.

Ruth Mason:

I am a wild horse advocate who supports A.B. 264. I would like to see birth control for mares, and if horses get into trouble in urban areas, they would be relocated, not gathered and penned. In winter, they should only be allowed to be fed in certain areas. This way, they would not descend into Reno to look for

food in Damonte Ranch. The wrong type of landscaping there looks like a buffet to horses. I would also like to see more fencing in that area and a penalty for leaving gates open, plus signs stating, "Please close the gate. Wild horses in area. If you leave the gate open, you are jeopardizing horses and people at night."

Anne Hall:

I support A.B. 264 and its proposed amendment. There should be a penalty for feeding horses without permission from the NDA. Horses are crossing major highways to access humans' food, endangering themselves and drivers. They have become accustomed to being fed in neighborhoods, so foals do not learn to forage on their own, which reduces their chance of survival. Horses have become desensitized to the sights, sounds and smells of people and no longer fear them or vehicles. They have become backyard pests and pets, which is sad. People who want to preserve the wild horses' wildness must simply let them be wild.

Chair Ford:

The Committee heard Senate Bill 371, which would ban the feeding of game animals. However, it did not concern feral or estray livestock.

SENATE BILL 371: Prohibits a person from intentionally feeding any big game mammal under certain circumstances. (BDR 45-838)

Kelly Hyatt:

I am a reformed wild horse feeder, not because of the law, but because I realized the horses need to be managed properly and humanely and to learn to stay up on the range. Many tourists seek out wild horses and then feed them things that are bad for their digestion, sometimes with fatal results. Education about proper sanctioned feeding needs to be part of the cooperative agreements. The public needs to know horses are not starving but being taken care of. Diversionary feeding and birth control are needed. Past cooperative agreements resulted in roadway fencing from the Truckee River to the end of Hidden Valley. People advocating the agreements have experience in implementing them. We are ready, willing and able to start again. Tourists allow their small children to run around among horses, which is highly dangerous. Education and cooperative agreements may also curb this practice.

Gayle Weatherman:

I am a 43-year resident of Stagecoach. Seven-tenths of a mile from Highway 50 in Stagecoach, a woman was feeding about 40 wild horses. They included six bands, four of which were normally in the hills. Because of her proximity to open range, the horses wandered into the woman's property and stayed. She fed them for about a year, and when she stopped, the horses wandered through the neighborhood looking for handouts and eating landscaping.

Horses are fed on both sides of Highway 50 in Stagecoach, and many are killed as they cross it. These are animals killed because of feeding: a mare and a stallion crossing Highway 50 and a pregnant mare chased by all-terrain vehicle riders into a T-post that cut her open. She went back to where she was being fed, bled out and died, as did her foal. There were also a horse with a wire cut, a stallion with a metal can stuck on its hoof, a stud with a broken shoulder that had to be destroyed, a stud with a fatal puncture wound, a stallion chased by all-terrain vehicle riders that ran back into the feeder's yard, a foal hit by a car in front of the feeder's house. These people have no remorse for the consequences of their feeding. A penalty and a fine are the only things that will stop them. Pass A.B. 264 to protect horses and drivers.

Betty Kelly:

I am a longtime wild horse advocate and rescuer. I have lived in the area since 1970 so am familiar with the Hidden Valley problem. The Virginia Range horses are not feral or estray. They are the ancestors of the horses Wild Horse Annie used to promote the Wild Free-Roaming Horses and Burros Act of 1971. Under the Act, that Storey County herd area was called Horse Springs No. 308. An agreement was made with the BLM to "zero out" the horses. That cannot be done because of their migratory patterns.

Chair Ford:

This testimony is irrelevant to A.B. 264.

Ms. Kelly:

I am trying to give the history of the Virginia Range herds. They have been victimized for years. In one of Ms. Hettrick's photos, Misfits Flat playa is in the background. It was named after the film "The Misfits," which was shot there, about mustangers capturing horses for dog food.

Chair Ford:

The bill addresses feral and estray livestock. The horses you are describing are neither.

Ms. Kelly:

The horses are not feral or estray. Years ago, the Legislature tried to change their status by having the BLM try to zero them out. That cannot be done. The Department of Motor Vehicles should put strider reflectors back up along Highway 50 and Geiger Grade. There were no vehicle-horse accidents when they were up. People purposely feed horses close to the highways to see how many they can kill. Others deliberately swerve to hit horses. I have trouble with the word "management" in the bill, because it means "attack" and "destroy," particularly when the NDA uses it.

Chair Ford:

Do you support A.B. 264?

Ms. Kelly:

No, but I have questions about it and do not trust the NDA to carry out its provisions. I have a 1971 map showing the Horse Springs 308 area that proves the current horses are descendants of Wild Horse Annie's herd. Blood work reveals they have Spanish heritage.

Kyle Davis (Nevada Conservation League):

We think A.B. 264 would be a good tool to manage the State's wild horses.

Jeannie Gregory:

I live in Hidden Valley and have been working with wild horses for more than 40 years. My neighborhood has fenced out horses to protect them from vehicles. We want to work with the NDA through the cooperative agreements.

Johnye Saylor:

You have a copy of my written testimony ([Exhibit K](#)). I will describe incidents of Dayton residents feeding horses too close to Highway 50. A man decided he did not want to stop at red lights and badly injured a small foal. The foal's band continually crossed the highway by Gold Canyon. People bring their children to visit the stallions. Stallions fight each other over food and mares. A child or adult will be injured through no fault of the horses. People who do not know the consequences of feeding them are at fault. Feeding creates excessive

competition between the bands' stallions. We need an enormous public awareness campaign so people will realize the horses are wild, not a band of coyotes that can be scared off by screaming at them.

Don Alt (Chair, Nevada Live Stock Association):

In this arid desert, you cannot control wild horses unless you control their water sources. People have troughs within a quarter-mile of the highway. The bill's section 1, subsection 1, paragraph (b) should read "Feed or water any stray or feral livestock."

Assemblyman Grady:

Today's testifiers are clearly passionate about wild horses' safety. In my six legislative sessions, wild horse-management bills have fallen apart. However, with the cooperation among Mr. Barbee, the NHP and horse advocates, this bill will pass.

Assemblyman Wheeler:

Assembly Bill 264 would create a win-win-win situation for horses, the State and wild horse advocates.

Chair Ford:

Why was the bill not amended in the Assembly?

Assemblyman Wheeler:

I was still doing homework about whether we could formulate cooperative agreements.

Senator Settlemeyer:

I understand the water concern expressed by Mr. Alt. Is that a fight for another day?

Assemblyman Wheeler:

Yes.

Senator Manendo:

We have had more than 30,000 signatures on petitions supporting some wild horse bills. The animal advocacy community has grown across the Nation.

Chair Ford:

We will close the hearing on A.B. 264 and reopen the hearing on A.B. 246.

ASSEMBLY BILL 246 (1st Reprint): Prohibits the sale or transfer of ownership of a live animal at a swap meet under certain circumstances. (BDR 50-747)

Mr. O'Neill:

Assembly Bill 246 is a compromise measure that came out of the Assembly to enact a statewide policy of prohibiting the sale of live animals at swap meets. It would allow local governments to adopt their own policies to allow for such sales if there are certain minimum standards of care for the animals.

Many people buy puppies at swap meets thinking they are healthy. They are actually from puppy mills, and the buyers end up with huge veterinary bills. This is a consumer liability problem. Birds sold at swap meets are often smuggled into the State and are diseased. In 2002, Exotic Newcastle Disease broke out across the Southwest, costing \$200 million to contain. There are potentially high financial impacts from smuggled or poorly treated, unhealthy animals. Assembly Bill 246 would enact strong public policy while allowing local governments to enact what they see fit.

Senator Settlemeyer:

I understand the objections to selling animals at swap meets and flea markets. However, I would like to strip out "or transfers ownership of a live animal" from the bill's section 1, subsection 1. If a cat has a litter of kittens that its owner wants to get rid of, why not let that happen at a swap meet? We are reducing options for people to give away unwanted animals. If we did this, we could go back to the unfortunate option that some bad people do: a burlap sack, a rock and a creek. I want to get at the concept of limiting puppy and kitten mills. I would retain the provision prohibiting the sale of animals.

Chair Ford:

Assembly Bill 246 would authorize county commissions to regulate animals for sale or adoption at swap meets. Would they be allowed to exempt trading or giving away animals?

Mr. O'Neill:

The bill's section 1, subsection 2 lists the specifics local governments could adopt to allow for that.

Senator Settlemeyer:

The prohibition against transferring animals should be stricken from the bill. Why should people have to jump through the hoop of getting permission from their counties? If a person wants to rent booth space at a swap meet to give away kittens or puppies, so what?

Mr. O'Neill:

Our concern is that often when people give away animals in an area where they are not necessarily going to an animal shelter, the animals end up as snake food or suffer other deaths. We agree with Senator Settlemeyer that we do not like the burlap sack animal-disposal method. There are ways that unwanted animals could be given to shelters to be adopted. Those animals are more likely to become part of the adopters' families, versus people who take free ones on a whim at a swap meet.

Senator Settlemeyer:

What is the difference between people giving animals away outside grocery stores or at swap meets?

Chair Ford:

If Senator Settlemeyer's suggestions were an amendment to the bill, would you accept them?

Mr. O'Neill:

The bill offers enough avenues for local governments to allow the transfer of animals, so an amendment would be unnecessary.

Senator Goicoechea:

There is nothing in the bill that would preclude a person from standing at a swap meet entrance and giving away kittens and puppies. That cannot be controlled.

Ms. McGrath:

Standing outside a market and giving away puppies and kittens would be exempt from the bill's provisions, as it specifies it has to be a vendor-type situation.

Margaret Flint (Nevada Humane Society; Canine Rehabilitation Center and Sanctuary):

We support A.B. 246 with its exemption covering Title 26 United States Code section 501(c)(3) organizations. We stage open-air adoption events at PetSmart, Incorporated, stores; the Sparks Marina and other places. In 2012, we adopted out more than 600 animals at such events. We take precautions to ensure our animals are treated humanely and not crammed into cages without food or water in 120-degree temperatures.

Chair Ford:

This is a compromise bill. North Las Vegas has an ordinance that is the basis of A.B. 246's language.

Stacia Newman (President, Nevada Political Action for Animals):

We need to help people who give away free kittens and puppies as handouts. If you know someone with a cat having litter after litter of kittens, and he or she deals with it by giving away the animals, we need to be proactive in offering help. Many organizations and reputable rescue groups can help by finding proper homes for the animals and spaying the mother cat. This would prevent kittens from being stuffed into the burlap sack.

There is also the hoarder and "buncher" problem. Bunchers take free kittens and puppies to sell to dealers for laboratories. In Las Vegas a couple of years ago, an elderly woman took two small children with her to homes offering free pets. She was actually a buncher. The safest and most responsible thing we could do would be to get the young animals and their mothers to rescue operations.

P. Michael Murphy (Clark County):

We support A.B. 246. Clark County Ordinance 10.08.140 prohibits the sale of animals at swap meets.

Ms. Hormiotis:

Rescue groups deal every day with people giving away animals at supermarkets and flea markets, which is why 3 million animals are euthanized in U.S. shelters annually. We are trying to control that with more legal requirements to force people to be more responsible about spaying and neutering by rescue groups.

I also support A.B. 246 because it would help end clandestine wildlife and exotic animal transactions at swap meets and flea markets. I oppose ownership

and breeding of wolf-dog hybrids. People go to swap meets for puppy mill stock for dogs that spend the rest of their lives in cages, producing puppies to be sold to pet shops. We need to break that chain reaction, and the bill could help.

Jennifer Lazovich (Broadacres Marketplace and Event Center LLC):

Broadacres Marketplace and Event Center is the only open-air marketplace in southern Nevada, specifically in North Las Vegas. A few years ago, we worked with the city on a local ordinance governing when animals could be sold outdoors. Assembly Bill 246 is modeled after that ordinance, putting State law provisions into ordinance form. Therefore, the North Las Vegas ordinance would comply with the bill.

Senator Goicoechea:

Is the bill's section 1, subsection 4, paragraph (c) definition of "swap meet" identical to that in your ordinance?

Ms. Lazovich:

I believe the bill's definition was drafted by the Legislative Counsel Bureau's Legal Division.

Senator Goicoechea:

I wish I had a dollar for every cow dog sold at the Fallon Livestock Exchange, Incorporated. According to the definition of "swap meet," that is a place where "two or more persons offer merchandise for sale or exchange." Many people offer purebred border collie pups for sale. How far do we want to go in restricting the sale of animals? Would someone be prohibited from selling Labrador retriever pups at Safari Club International Foundation shows?

Chair Ford:

These are legitimate questions. We must make sure the bill is not overbroad.

Senator Settlemeyer:

To elaborate on Senator Goicoechea's question, the bill's definitions do not specify dogs and cats, rather "any animal." People selling livestock at the Fallon auction would be guilty of violating the law.

Senator Goicoechea:

The sale of livestock is excluded under section 1, subsection 3, paragraph (a) and is defined in section 1, subsection 4, paragraph (a). If someone wanted to

sell a clutch of chickens outside the gates of a livestock auction, that would be illegal.

Mr. O'Neill:

Chickens are considered livestock under NRS 569.0085.

Chair Ford:

Please talk to Senators Goicoechea and Settlemeyer about the bill being overbroad before we bring it up in a work session. We support the concept of the bill but want to make sure it does not prohibit legitimate activities in rural Nevada.

Ms. Noffsinger:

I support A.B. 246.

Kristen Corral (Nevada Political Action for Animals):

I have been to two Las Vegas swap meet venues and witnessed birds crammed together in cages; birds fighting and pulling out each other's feathers; bunnies, guinea pigs and other small mammals crammed on top of each other and sick animals that I reported to Clark County Animal Control. The Committee needs to take into account animals' conditions at swap meets.

Gina Greisen (President, Nevada Voters for Animals):

Nevada Voters for Animals led the fight in North Las Vegas to make changes at Broadacres. We do not support any sales of animals at swap meets. The bill talks about "animals," but then it exempts dog and cat adoptions by rescue groups. What about other animals like pot-bellied pigs or rabbits? Clark County is in court over this issue, but under the bill's definition of "swap meet," rescue groups cannot adopt out animals. I do not support rescue groups doing so, especially at swap meets and Broadacres in particular. The original intent of A.B. 246 was to stop selling animals at swap meets, whether it is rescue groups, breeders or puppy mill suppliers.

Chair Ford:

To which portion of the bill do you specifically object?

Ms. Greisen:

Section 1, subsection 2, paragraph (c), subparagraph (1) applies to "all animals." In subsection 3, paragraph (b), the bill does not "Apply to any adoption of a dog

or cat at an event held outdoors by an animal shelter or rescue organization" What about the animals I mentioned earlier?

Chair Ford:

Are you saying that you object to the exemption for livestock sales in section 1, subsection 3, paragraph (a)? Do you object to the section 1, subsection 3, paragraph (b) exemption for the adoption of dogs and cats?

Ms. Greisen:

I do not object to the livestock exemption. I do object to the exemption for pet adoptions under the bill's definition of "swap meet."

Mr. O'Neill:

The reason the bill is limited to the adoption of dogs and cats is that similar comments and objections were made in the Assembly Committee on Natural Resources, Agriculture and Mining regarding terminology allowing for the adoption of any animal. The bill was too broad then. Organizations in northern Nevada hold adoption events at outdoor venues as part of their shelter missions. We looked for a way to allow that to continue, and we decided that limiting the bill to cats and dogs would be the best way.

Chair Ford:

Ms. Greisen's objection is that the exemption for cats and dogs is in the bill at all. Why are those animals exceptions?

Mr. O'Neill:

I understood that Ms. Greisen's objections were to the exemption proper. If it does not include pot-bellied pigs and rabbits, the exemption does not go far enough. Assembly Bill 246 is a compromise measure. We would like to see swap meet animal sales banned altogether.

Chair Ford:

Are you saying that if you had your druthers, the bill would not contain section 1, subsection 3, paragraph (b)?

Mr. O'Neill:

If I had my druthers, the animal sales ban would be all-inclusive and not allow local governments to enact their own exemptions. Still, the bill is a step in the right direction.

Assemblywoman Heidi Swank (Assembly District No. 16):

We had an idea about exempting all 501(c)(3) organizations from the bill, but there were objections from Assembly members. That is why the sale, adoption or giveaway of dogs and cats is exempted.

Chair Ford:

If we are trying to ban the sale of animals at swap meets, why is there an exception for dog and cat adoptions by 501(c)(3) organizations?

Ms. McGrath:

The 501(c)(3) organizations are doing adoptions, not selling animals. They are licensed and regulated. Swap meet vendors are selling pets and have no business licenses or permits.

Chair Ford:

The difference is your concern that swap meet animals are not vaccinated or are ill. You do not have the same concerns about 501(c)(3) organizations or shelters.

Ms. McGrath:

Correct.

Ms. Flint:

The Nevada Humane Society is in a unique position in the northern, rural part of the State. We do not have big swap meets. Our off-site adoptions are hosted events at pet supply stores or the Sparks Marina. At our annual Doggie Palooza, we promote dog adoptions. The pets are spayed, neutered and vaccinated. They are completely different venues than those that concern Ms. Greisen.

Ms. Greisen:

If adoptions are occurring at small off-site events, why do we need a State law exempting them? To Nevada Voters for Animals, this is an animal cruelty issue. We went to Broadacres to investigate the animals' condition. It does not matter who you are, you should not offer animals for sale or adoption at outdoor venues in southern Nevada. Assembly Bill 246 would enact a law impacting the entire State. Seventy-five percent of the population is in southern Nevada, with its extreme temperatures that adversely affect animals outdoors. The bill is a double-edged sword because it almost limits the legitimate events Ms. Flint described when it defines them as swap meets. The exemption is limited to

dogs and cats, but our members rescue pot-bellied pigs, chickens and many other species.

The bill's initial intentions were good. However, I do not support rescue groups being able to hold outdoor adoptions. The bill's section 1, subsection 2 originally stated:

For each animal sold or offered for adoption, the nonprofit organization shall, upon request by the operator of the swap meet, a law enforcement officer or an officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040, provide the appropriate documentation, including, without limitation, a record of current immunizations and proof that the animal has been sterilized.

That provision is gone from the bill before us today. Nonprofit groups are not exempt from having to do that.

Mr. O'Neill:

The intent of the bill's first reprint is for shelters and rescue groups not to adopt out pets that have not been sterilized or vaccinated.

Chair Ford:

Why was the provision read by Ms. Greisen removed?

Ms. Flint:

It is mandatory that all shelter adoptees are sterilized and current on their shots. I need to describe the adoption process. If someone comes in and says, "I want to adopt this dog," we do not just hand it over. Adopters must fill out paperwork, provide references and be granted landlord approvals. If someone does not satisfy the criteria, he or she does not get the animal.

Assemblywoman Swank:

Assembly Bill 246 represents a good compromise by people coming from markedly different positions.

Chair Ford:

We will close the hearing on A.B. 246 and open the work session.

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Michael J. Stewart (Policy Analyst):

You have the work session document ([Exhibit L](#)). Assemblywoman Swank sponsored Assembly Joint Resolution (A.J.R.) 7.

ASSEMBLY JOINT RESOLUTION 7: Urges recognition of the importance of mid-20th century architecture in Nevada. (BDR R-609)

SENATOR SETTELMAYER MOVED TO DO PASS A.J.R. 7.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Mr. Stewart:

Assembly Bill 19 was drafted at the request of the NDA. There is a work session document ([Exhibit M](#)).

ASSEMBLY BILL 19 (1st Reprint): Revises provisions governing the Nevada Junior Livestock Show Board. (BDR 50-322)

Testimony indicated the State Advisory Board of Trustees for the Trust Relating to the Fairground was created in 1981, yet the Board has never met.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 19.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Mr. Stewart:

Assembly Bill 487 would raise the recycling goal from 25 to 40 percent if certain regulations are adopted by the State Environmental Commission and require counties to report their progress on single-stream recycling to the 78th Session. This information is provided in the work session document ([Exhibit N](#)).

ASSEMBLY BILL 487: Makes various changes relating to recycling.
(BDR 40-120)

SENATOR MANENDO MOVED TO DO PASS A.B. 487.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Mr. Stewart:

Assembly Joint Resolution 1 would recognize the Upper Las Vegas Wash as an important paleontological, cultural and biological site. There are no proposed amendments indicated on the work session document ([Exhibit O](#)).

ASSEMBLY JOINT RESOLUTION 1: Expresses the support of the Nevada Legislature for the designation of the Upper Las Vegas Wash as a national monument. (BDR R-487)

SENATOR MANENDO MOVED TO DO PASS A.J.R. 1.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Mr. Stewart:

Assembly Concurrent Resolution (A.C.R.) 3 would express support for developing and funding K-12 environmental education programs. I will read information from the work session document ([Exhibit P](#)).

ASSEMBLY CONCURRENT RESOLUTION 3 (1st Reprint): Expresses support for the educational programs and partnerships of the International Environmental Youth Campaign of the America's Schools Program. (BDR R-122)

SENATOR MANENDO MOVED TO ADOPT A.C.R. 3.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Ford:

Seeing no further business before the Senate Committee on Natural Resources,
we are adjourned at 3:32 p.m.

RESPECTFULLY SUBMITTED:

Patricia Devereux,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	8		Attendance Roster
A.B. 264	C	5	Assemblyman Jim Wheeler	Mock-up of Proposed Amendment 8703
A.B. 264	D	1	H. Bonnie Matton	Written Testimony
A.B. 264	E		H. Bonnie Matton	Pamphlets on "Wild Horse Adventure of Nevada" tours
A.B. 264	F	1	Susane Tagayev	Written Testimony
A.B. 264	G		Mikel Ann Hettrick	Compact disc of wild horse photos
A.B. 264	H	1	Mikel Ann Hettrick	Descriptions of horse photos
A.B. 264	I	1	Shannon Windle	Written Testimony
A.B. 264	J	1	Dr. Patrick Colletti	Written Testimony
A.B. 264	K	2	Johnye Saylor	Written Testimony
A.J.R. 7	L	1	Michael J. Stewart	Work session document
A.B. 19	M	1	Michael J. Stewart	Work session document
A.B. 487	N	1	Michael J. Stewart	Work session document
A.J.R. 1	O	1	Michael J. Stewart	Work session document
A.J.R. 3	P	1	Michael J. Stewart	Work session document