

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

**Seventy-Seventh Session
March 12, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:33 p.m. on Tuesday, March 12, 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 and to Great Basin College, Lundberg Hall, Room 114, 1500 College Parkway, Elko, 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:

Assemblywoman Lucy Flores, Assembly District No. 28

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Brenda Erdoes, Counsel
Patricia Devereux, Committee Secretary

OTHERS PRESENT:

Mitch Schneider
Christine M. Schwamberger, Esq., Nevada Political Action for Animals
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 & Society for the Prevention of
Cruelty to Animals, Pet Network of Lake Tahoe, Wylie Animal Rescue

Foundation, Paw Pac, Lake Tahoe Wolf Rescue, Hidden Valley Horse Rescue
Laura Leigh
Margaret Flint, Nevada Humane Society, Canine Rehabilitation Center & Sanctuary
Eric Mills, Coordinator, Action For Animals
Kevin O'Neill, Senior Legislative Director, Western Region, Government Relations, American Society For the Prevention of Cruelty to Animals
Debbie Tayler
Kari Riley
Annie Jantzen, Coordinator, Deer Run Wild Horse Preservation Group
Dorothy Nylen, President, Wild Horse Preservation League, Nevada Chapter; American Wild Horse Preservation Campaign
Nathan Sosa
Christopher Preciado
Chris Giunchigliani, Clark County Board of Commissioners
Oscar Peralta, Legislative Intern, Nevada Hispanic Legislative Caucus
Alejandro Galindo, President, Nevada Associations Union, Mexican Federation of Charrería
Toby de la Torre, Chief Executive Officer, Charros Federation USA, Incorporated
Eric Puentes
Homer Ortiz
Salvador Solís
C. Joseph Guild III, Esq., Regional Vice President, Region 6, National Cattlemen's Beef Association
Tina Trenner
Linda Faso
Stacia Newman, President, Nevada Political Action For Animals
Elaine Carrick
Margaret Martini
Margaret Lewis
Kristen Corral, Nevada Political Action For Animals
Betty Kelly
Carla Bowers
Kristina L. Swallow, P.E., Engineering Program Manager, City Engineer Division, Department of Public Works, City of Las Vegas
Nechole M. Garcia, Assistant City Attorney, City Attorney's Office, Civil Division, City of Henderson

D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office, Washoe County
Regional Animal Services
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Jacquelyn Leuener
Arlene Gawne, Spring Mountain Alliance
Garnet Pasquale, President, America's Wild Horse Advocates
Tina Brodrick
Larry J. Johnson, President, Coalition for Nevada's Wildlife
Dick Senior
Bob Brunner
Joel Blakeslee, Coalition for Nevada's Wildlife, Nevada Trappers Association,
Southern Nevada Coalition for Wildlife
Cat Kindsfather
Tom Smith, Vice President, Coalition for Nevada's Wildlife
Kyle Davis, Political and Policy Director, Nevada Conservation League &
Education Fund
Bonnie Kohleriter
Elmer Bull, Chief, Habitat Division, Department of Wildlife

Chair Ford:

We will open the hearing on Senate Bill (S.B.) 72.

SENATE BILL 72: Makes various changes concerning cruelty to animals.
(BDR 50-114)

Senator Mark A. Manendo (Senatorial District No. 20):

In 2011, Senator Allison Copening sponsored a similar bill, S.B. No. 364 of the 76th Session, before this Committee. We were told that an event was taking place in Winnemucca at which horses would be tripped. Some Committee members said, "We need to see it to believe it," but the deadline for passage of the bill occurred before the event. After viewing a video of the event, two of the three members who had voted against the bill told me they would have voted for it. I felt it was essential to continue the debate, and I was asked to submit a bill concerning horse tripping for this Session.

In the interim, I wanted to educate myself about the issue. I attended community events and workshops and called several opponents of S.B. No. 364 of the 76th Session and of S.B. 72 to get a better understanding. A typical

question I was asked was if I had witnessed horse tripping. I have not seen it live, but have viewed many videos on the various practices. I asked operators to invite me, but I was continually refused. Then I was asked how I could formulate a bill, having never seen horse tripping.

There was a range of explanations as to why I could not go to an event, including tickets already being sold out, or because it was on private property I would have to have permission. I asked opponents of S.B. No. 364 of the 76th Session what their objections were if they did not trip horses, in which case the bill would not affect them. When I asked about events at private properties for which admission was charged, I wondered if the owners were paying the live-entertainment tax and tax on refreshments sold. I do not know if a Department of Taxation audit must be performed by the State to recover that lost revenue for our schools. That is another avenue the Committee needs to explore because a lot of tourism revenue is being lost.

Chair Ford:

How many times were you refused admission to the events?

Senator Manendo:

In the last two weeks, I have made seven phone requests that were denied. In the last 18 months, I spoke to about 30 people, and I am getting the same answer.

Chair Ford:

Does that equate to 30 events?

Senator Manendo:

I had 30 different conversations, but I do not know if they involved 30 overlapping events because I was not given a date, time or location for them. At a public meeting in Clark County at which people were talking about this, I was asked why I wanted to see the events. However, I was still denied the opportunity to educate myself. I do not understand why so many of these are hidden, underground events.

In the spirit of compromise and trying to work with those who oppose S.B. 72, particularly the Reno Rodeo and ranchers, the animal-protection community has agreed to change the bill. In section 1, subsection 5, paragraph (a), "Intentionally engage in horse tripping or steer tailing ... ," we would be

amenable to removing " or steer tailing." In section 1, subsection 5, paragraph (c), "Use a cattle prod or other similar electronic device on the face of an animal," Senator Settelmeyer told me if a human life is endangered, an instrument should be used to distract an animal. This would not apply to the entertainment aspect of the devices' use, but we would be willing to remove that entire sentence. We would also agree to remove section 1, subsection 11, paragraph (c): "'Steer tailing' means using the tail of a cow or other animal of the bovine species to intentionally drag, trip or otherwise cause the cow or other animal to fall or lose its balance." I am hoping our opponents will meet us halfway.

Senator Segerblom:

Is horse tripping already illegal in Clark County?

Senator Manendo:

A Clark County local ordinance outlaws the practice, but a Clark County commissioner may be trying to remove that ordinance. This underscores the need for a statewide ban on horse tripping. You have letters of support for S.B. 72 from Congresswoman Dina Titus ([Exhibit C](#)) and Clark County Commissioner Chris Giunchigliani ([Exhibit D](#)).

Chair Ford:

Lyon and Nye Counties also have local ordinances prohibiting horse tripping. They define the practice differently from the bill. Lyon County's ordinance states, "It is unlawful for any person to intentionally trip or fell any equine animal by the legs or by any means whatsoever for the purpose of entertainment or sport." Nye County's ordinance states, "It is unlawful for any person to intentionally trip or fell any equine animal by the legs or by any means whatsoever for the purposes of, but without limitation hereto, sport or entertainment."

The Cities of Henderson, Mesquite and North Las Vegas also outlaw the practice. The Mesquite ordinance has this exception: " ... However, this provision shall not be construed to prohibit or interfere with rodeo activities conducted in accordance with Professional Rodeo Cowboys Association rules or other commensurate rules." I bring this to the attention of the Committee and interested parties to ascertain whether the latter might compromise on some issues because some cities and counties already prohibit horse tripping and recognize rodeos must be carved out of S.B. 72's provisions.

Senator Manendo:

When we drafted the bill, some people were concerned that leg roping was necessary to provide medical attention to an animal, so we included that language in section 1, subsection 11, paragraph (a): "The term does not include tripping such an animal to provide medical or other health care for the animal." Senator Goicoechea had an issue with that.

Mitch Schneider:

I am the former chief of Washoe County Regional Animal Services. Before my retirement in 2012, we worked on extensive Washoe County Code revisions which will ban horse tripping. Organizers of the Mexican-style rodeo held in Sparks said they do not allow it, nor do most of the federations. Most of the State's major population areas ban horse tripping. If a statewide ban is not enacted, the practice will be pushed into outlying rural areas.

While I respect the skill it takes to rope a horse's legs and the culture it comes from, as a horse owner and rider, I believe cultures evolve, and things sanctioned in the past are no longer permitted. Twice when I was riding, my horse slipped on ice hidden in the grass. I was terrified not for my own sake but for the possibility of the horse's death from a broken leg or twisted stomach. The horse slipped while walking, not trotting or galloping. It is likely Washoe County will join the aforementioned counties in banning horse tripping as its code revisions move forward.

Christine M. Schwamberger, Esq. (Nevada Political Action for Animals):

You have a copy of my written testimony ([Exhibit E](#)). I will address assertions there is no intent to cause or require horses to fall in these events. The bill would only prohibit horse tripping; the prohibitions on steer tailing and cattle prods were deleted from the original bill to address the objections of the Reno Rodeo. They did not object to the horse-tripping prohibition.

Senate Bill 72 would prohibit horse tripping by amending *Nevada Revised Statutes* (NRS) Chapter 574, which defines and provides for criminal penalties for cruelty to animals. Specifically, the bill would amend NRS 574.100, which applies to horses under its definition of "animal" in NRS 574.050 as "every other living creature," except humans. Rodeos are already carved out of cruelty provisions in NRS 574.100 subsection 9, which includes ranching and livestock shows.

Horse tripping is a competitive event in which the front or back legs of a galloping—I stress galloping at full speed—horse are roped to cause it to fall. Points are rewarded for dropping the horse. Senate Bill 72 defines horse tripping in section 1, subsection 11, paragraph (a) as

... the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or cause a horse, mule, burro, ass or other animal of the equine species to fall or lose its balance. The term does not include tripping such animal to provide medical or other health care for the animal.

You will hear testimony in which the definitions of “tripping” and what such an event might be called are disputed. “Trip” is defined as “a stumble; misstep,” according to < <http://dictionary.reference.com> >, and that is what the provision is all about.

Chair Ford:

You said NRS 574.100 subsection 9 exempts rodeos and livestock shows. I cannot find that reference.

Ms. Schwamberger:

It is actually in the bill’s lines 35 and 36, section 1, subsection 10, paragraphs (a) and (b).

Horse tripping has been defined by the bill’s opponents as saying it is not the intent of the events to make horses fall. They say that when the horses fall, it is accidental. The lack of actual intent to make the horse fall is irrelevant. When a galloping horse’s legs are roped, it is a substantial certainty for a reasonable person to expect the animal will fall. The exception would more often be the animal would not fall. Horses are fragile, with thin legs, heavy bodies and a high centers of gravity. Falling causes serious injury, especially the repeated falling horses experience in these events.

In Spanish, one of the events is called “piales en la lienzo” (piales) the roping of a horse’s hind legs. My Spanish dictionary defines “pial” as “a lasso to trip an animal.” The verb infinitive, “pialar,” means “to lasso by tripping with a pial.” In other rodeos it is called “horse tripping.” It does not matter what the event is called. The result is the horse is tripped and falls.

Randolph Janssen is recognized as one of the top three charreada promoters in the United States. He wrote in a February 23, 2012 email, in [Exhibit E](#),

... it may be against the rule to knock down horses in big loop roping, yet the fact is, if you throw a rope around the neck of a running colt, there is going to be a reaction, just like you get a reaction, when you throw a rope around a running calf. It does not matter what the rules are, the animals are going to react to the laws of physics.

Chair Ford:

You mentioned horses tripped by a lasso around the neck. We are talking about tripping their feet. Does not Mr. Janssen's email speak to roping the neck? You are not talking about the same thing.

Ms. Schwamberger:

That is correct.

Chair Ford:

I have heard about an event at South Point Arena & Equestrian Center in Las Vegas ([Exhibit F](#)). I have read the event rules in both Spanish and English, and they overtly state it is against the rules to participate in a horse-tripping activity. The penalty is loss of entry fee and perhaps a fine. I do not think you have to witness horse tripping to know it is happening. Have you seen horse tripping in Nevada?

Ms. Schwamberger:

No, I have not. I will defer your question about the rules to someone focused on that issue. Mr. Janssen's email also stated, in [Exhibit E](#) [email also submitted in [Exhibit V](#)]:

You also have problems like what happened in Winnemucca. That was not an isolated instance. Even when you are not trying to bring down the horse, it can trip. This is especially true in the *mangana de caballo*. If you get the rope too tight around the horn, and the horse is pushed too hard, it goes down. ... It can't be denied, horses lose their balance in piales.

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 & Society for the Prevention of Cruelty to Animals, Pet Network of Lake Tahoe, Wylie Animal Rescue Foundation, Paw Pac, Lake Tahoe Wolf Rescue, Hidden Valley Horse Rescue):

You have my written testimony ([Exhibit G](#)) expressing support for S.B. 72 and Senate Joint Resolution (S.J.R.) 1. I will show two videos. The first ([Exhibit H](#)) is of a U.S. rodeo and is produced by Showing Animals Respect and Kindness; the second ([Exhibit I](#)) is of a charreada-style rodeo filmed in Winnemucca. Note that the horses do not go down until their legs are roped. In the Winnemucca video, note that the cowboy who brought the horse down was not disqualified, and he continued roping the same horse throughout the day.

Senator Ford:

Clearly, the videos are disturbing. You said the second was filmed in Winnemucca, but was the first filmed in Nevada?

Ms. McGrath:

No, it was filmed in Oregon. I showed it because it was not a charreada, and I wanted to make the point our concerns are not directed at Hispanic traditions. You asked if horse tripping happens in Nevada. It happened in Winnemucca, and it will happen again at the South Point Arena & Equestrian Center, September 26-29, 2013, [Exhibit F](#). Don Coburn, code enforcement facilitator for the Clark County Animal Control Department, wrote to me that two of the events are in violation of the Clark County Code. He also wrote ([Exhibit J](#)), "The [Clark County] DA [district attorney] agrees with me that it appears the events would violate County Code." He will directly pursue the violators.

The NRS 574.100 states, " ... a person shall not overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal" It also states a person shall not "Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink." In this photo ([Exhibit K](#)), the young horse is clearly emaciated with visible rib and hip bones. Compare it to the rider's healthy horse. This is cruelty. This is denying food and sustenance. This little horse has never been given Animax Pelleted Horse Feed.

This issue is about cruelty, pure and simple. You can call it whatever you like. You can call it a "slippery slope" argument. You can call the tripping an accident. You can call it racial discrimination. But, it is cruelty as defined in the NRS.

Laura Leigh:

The last time a bill dealing with horse tripping came before the Committee, there was much peripheral debate. The statement was made, "Horse tripping does not happen in Nevada." I am a journalist who believes in the free press, the democratic process and the State. Debates must be centered on the truth.

I went to Winnemucca to see for myself what happened. I have photographed many American rodeos and made my living by selling images of them. I am not against animal events. I have photographed dressage, barrel racing and many other livestock events.

However, what I saw in Winnemucca was not an event; it was cruelty. The video shows a small portion of what occurred for two straight days. The rear and front legs of galloping horses were roped, and then they were used as bucking stock over and over again. When horses were obviously injured, the events were never stopped over two days. The animals were run repeatedly, and horse tripping happened in Nevada. If that is the debate, that is what we need to focus on.

Chair Ford:

How did you find out about the Winnemucca rodeo?

Ms. Leigh:

I photograph rodeo for a magazine, and the staff knew about it. I was contacted by Ms. McGrath, who asked me to document horse tripping.

Chair Ford:

I understand horse tripping is occurring at clandestine rodeos. Was that the situation in Winnemucca?

Ms. Leigh:

The events take place in back yards. I was told some of the "best of the best" would be at Winnemucca, and that it would not be a backyard event. Any

eventing process contains the good, the bad and the ugly. I was told I would see the best.

Chair Ford:

Was it an official rodeo?

Ms. Leigh:

It was advertised everywhere you drove in Winnemucca. The Winnemucca Events Complex had posters about it.

Margaret Flint (Nevada Humane Society, Canine Rehabilitation Center & Sanctuary):

Shortly after the 76th Session, I was contacted by an associate—to whom I promised anonymity—who writes for a small newspaper in Pahrump. He told me he had some things to show me in Pahrump. I took these photographs ([Exhibit L](#)) from the window of my friend's vehicle. He insisted we drive his vehicle because he said we would be closely scrutinized when we pulled onto the private property. The operators often have guns—he also had a gun—and do not want anyone snooping around.

We drove quite far west of Pahrump to the property, which the photos show had many fences and gates with warning signs. My friend told me it was an underground arena for rodeo activities. In 2003, Nye County staged a huge bust of this type of facility, after which the anti-horse-tripping ordinance was enacted. It is still occurring underground, as these photos depict. Alcohol and food are sold, but gambling is prohibited. The church on the last page is where the cowboys and their animals are blessed. The events are so undercover that they are by invitation only, which is why Nye County cannot police them.

I have a friend in Lemmon Valley who told me several times that illegal rodeos are happening in the North Valleys area of Reno. In 2011, an animal control officer told me she had witnessed an event held on an isolated dirt road with portable bleachers and corrals. That is where the cruelty is happening.

Chair Ford:

The photos show a large facility; we are not talking about cockfights held in a small, indoor area that can be easily hidden. If rodeo events are so obvious, it would be difficult to stage an unlawful one.

I have asked counties that have horse-tripping ordinances what was the rationale behind enacting them? Was it because of the prevalence of horse tripping and the need to outlaw it, or was it entirely prophylactic? The sheriffs did not find that horse tripping was prevalent in the State. If clandestine rodeos are happening in places as obvious as your photos indicate, I am amazed officers cannot uncover them.

Ms. Flint:

I cannot tell you why officers cannot police illegal rodeos. We tried to get a copy of the sheriff's report from the 2003 bust, but we do not have it with us today. Yes, the facility in my photos is large, but the events are very spontaneous. If the gates are closed during an event, deputies must have a warrant to enter and investigate.

Eric Mills (Coordinator, Action For Animals):

You have my written testimony ([Exhibit M](#)) and information packet ([Exhibit N](#)). I have been working on rodeo issues for almost 10 years, before I had even heard of charreada. They are usually staged on private property, are often family affairs and are advertised by word of mouth or on Spanish-language radio stations. I have attended extraordinary charreadas.

The event in the first video, [Exhibit H](#), is called "big-loop roping" and was filmed in eastern Oregon. It is not a Mexican event, but is part of a ranch rodeo, at which horses are lassoed by the neck then by the legs to be brought down. Horse tripping is not illegal in Oregon; if it were, the operators would be in jail.

I am a big fan of cultural diversity, which is a major reason I moved to California in the mid-1960s. I studied and majored in Spanish for 8 years. I marched with United Farm Workers union co-founder Cesar Chavez, who was my personal hero. He sent me a letter of support dated December 26, 1990, in which he wrote,

Kindness and compassion toward all living things is a mark of a civilized society. Conversely, cruelty, whether directed against human beings or against animals, is not the exclusive providence of any one culture or community of people. Racism, economic deprival, dogfighting, cockfighting, bullfighting are cut from the same fabric—violence. Only when we become nonviolent toward all life will we learn to live well ourselves.

Mohandas Karamchand Gandhi said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." We are not doing very well now in that regard.

I have been lobbying legislators for 30 years, and S.B. 72 is one of the biggest no-brainers I have seen. I received a letter ([Exhibit O](#)) against horse tripping from Arturo S. Rodriguez, Mr. Chavez's son-in-law and president of the United Farm Workers of America. This bill will not affect rodeos. The Professional Rodeo Cowboys Association (PRCA) has a neutral position on horse tripping, and all of the states with legislation concerning it have not opposed the practice. Eleven states, including California, Texas, New Mexico, Arizona, Oklahoma, Kansas and Nebraska, have banned horse tripping.

I know the stagers of the sanctioned Winnemucca charreada in which the horse was felled, and the injuries were accidental. No one is denying that. Horses can always get tangled in ropes and fall. The concept of "intent" was irrelevant in that incident.

At a 1993 rodeo in Alameda, California, purebred Arabian fillies destined for slaughterhouses were run until they could no longer move. Arabian fillies were used because they are smaller and easier to throw. For those who claim horse tripping does not take place in Nevada, I have an old video featuring it shot at an Elko charreada, and the 2013 World Series of Charreada will be September 26-29, [Exhibit F](#). Look at the money: prize money at that event is \$118,000, and 27 four-man teams have been invited to participate, paying \$8,000 in entry fees. Where is the money going? Are the event permits all in order? If horse tripping is illegal in Clark County, what is law enforcement going to do about it?

Chair Ford:

You acknowledge that what happened in Winnemucca was an accident. I have seen the rules, and they expressly say someone cannot engage in horse tripping. If a horse is tripped deliberately or by accident, entry fees are forfeited. As I read S.B. 72, accidents are not covered. What happened in Winnemucca would not be illegal, nor would an accident at the South Point Arena & Equestrian Center event. The bill states, "A person shall not: (a) intentionally engage in horse tripping ... for sport, entertainment, competition or practice." Horse tripping is defined as, " ... roping of the legs or otherwise using a wire, pole, stick, rope or other object to"—and here is the key word—"intentionally trip or cause a horse, mule, burro, ass or other animal of the equine species to

fall" Anything we are discussing that is unintentional will not be covered or outlawed by S.B. 72. Am I misreading its intention?

Mr. Mills:

You might be right, and that is unfortunate. The bill would not have outlawed the Winnemucca incident. Yet, as far as the horse was concerned, the intent was irrelevant. It went down with a broken leg and had to be destroyed. The charreada event piales, in which horses' hind legs are lassoed, generally does not cause them to fall but does throw them off balance. Most of the charros with whom I have spoken do not consider that horse tripping. I do. I have letters from six California animal-control agencies stating they would prosecute anyone who engaged in horse tripping. Veterinarians tell me piales is far more injurious to horses than tripping the front legs because their tendons are stretched and ligaments torn.

To trip horses in the name of culture and tradition is wrong. This is simple animal abuse and cruelty. Horse tripping is not a standard rodeo practice anywhere in the Nation, nor is it sanctioned by any rodeo association. Charros are great folks, and I love the traditions, music and family atmosphere, but what is done to horses must stop. "Slippery slope" is a euphemism for "progress." Everything is a slippery slope, and every piece of legislation is a step toward something better. Theodor Seuss Geisel, whose pen name was Dr. Seuss, wrote in *The Lorax*, "Unless someone like you cares a whole awful lot, Nothing is going to get better. It's not." Go home and tell your children how you voted on this bill and say you took care of animals. Tourism means business, and you will not get my business if you continue to allow horse tripping. Many in the Country want kindness to animals.

Kevin O'Neill (Senior Legislative Director, Western Region, Government Relations, American Society For the Prevention of Cruelty to Animals):

You have my letter of support ([Exhibit P](#)) for S.B. 72. Concerning the video, [Exhibit H](#), of the Oregon rodeo, there is a striking similarity between Oregon and Nevada. The year the video was shot, Oregon legislators considered a bill to ban horse tripping. Opponents denied it was happening in Oregon. A few months later, the video was shot portraying it. The same thing happened in Nevada.

The question is did we film the only two events in the western United States where horse tripping happened, or is it part of a larger problem in which it is happening across the West?

Chair Ford:

That is a good question. I have asked law enforcers in every Nevada County if they have heard reports of or investigated horse tripping, and they said no almost unanimously. This leads me to believe that it is not occurring as often as the bill's proponents suggest. If you have any other evidence besides the videos shown today, let us know because they may be the only proof it has happened by accident.

Mr. O'Neill:

Capturing horse tripping on other videos is something we would love to do, but the Winnemucca incident is the only one we have. Even if the bill does not progress, there will still be an effort to capture more evidence of horse tripping to demonstrate for legislators. The fact that 11 states, many of which have large Hispanic populations, have banned the practice is evidence it is happening in the Country. The bans are not discriminatory; they are purely about horses' suffering.

The American Society For the Prevention of Cruelty to Animals (ASPCA) is normally associated with companion animals, but the organization was founded in 1866 to combat horse abuse on New York City's streets. Since then, we have been involved in legislative and regulatory efforts to curb horse abuse. We issue large annual grants, including almost \$2 million in 2012, to improve equine welfare. The ASPCA has a culture of combating equine abuse, and that is our interest in S.B. 72.

Chair Ford:

Do you agree with my interpretation of the bill that it does not cover accidents?

Mr. O'Neill:

When incidents occur, investigators must determine if they are accidents or intentional, if they are systemic issues or whether similar events have such "accidents." The Legislature puts laws in force, and the Judicial Branch decides what is and what is not accidental.

Chair Ford:

Do agree that NRS 574.100 does not cover accidents?

Mr. O'Neill:

That is subject to interpretation.

Chair Ford:

I only see the word "accident" once in S.B. 72. I see the word "intentionally," in two places.

Mr. O'Neill:

If an accident recurs, is it really an accident?

Chair Ford:

You said 11 states have banned horse tripping. How does the proposed language in S.B. 72 compare to other states' statute language?

Mr. O'Neill:

I do not know the exact language of those statutes, but they expressly ban horse tripping. Qualified exemptions are allowed for certain activities, similar to what is proposed in S.B. 72.

Debbie Tayler:

I have witnessed horse tripping. A few years ago, I was at a Winnemucca barrel race. I went behind the fairgrounds to an outdoor arena and saw three Caucasian ranch hands tripping horses as they prepared to compete at a big-loop rodeo. What I saw made me sick. They ran four or five horses. They roped and threw each horse down and pushed it back into the chute. Then they ran the next horse. The horses were so troubled by being roped repeatedly, they tried to jump over the panels. In order to get them back into the chute to run again, the cowboys were "hot-shotting" them. They were not concerned about the animals' pain because they were not their horses. The horses were going to be sold at auction anyway. Those horses are not hurt by accident, and since they do not use their own horses, cowboys do not care that those horses will be hurt.

Kari Riley:

I am a Nevada native who essentially grew up on the back of a horse. I am not anti-ranching, anti-rodeo, anti-Western lifestyle, anti-culture or anti-tradition. I am firmly against animal cruelty. I did not find a governing body for charreadas that oversees the events. I write for the Reno Rodeo magazine and have done a lot of research on the PRCA's rules concerning humane treatment of animals. The rules are highly codified and detailed with stringent restrictions and punishments for violators, both monetary and prohibitions on competition.

Some charreadas have specific rules outlawing horse tripping and cruelty, and I commend them. The roping horses mostly come from feedlots and are considered throwaways by the cowboys, who have no vested interest in maintaining their health and security. If horses are left on feedlots, they could be rescued by horse sanctuaries or private owners. There is no standard for the humane treatment of feedlot horses. Horse legs are just bone, sinew and tendons. If you rope and try to take horses to the ground, they will be injured. Rodeo traditions developed in certain times, and maybe we need to change them.

Chair Ford:

The Committee has received enough emails from the bill's opponents to know that no rodeos sanction horse tripping.

Ms. Tayler:

I did not indicate that any sanctioned rodeos allow horse tripping.

Annie Jantzen (Coordinator, Deer Run Wild Horse Preservation Group):

I am not a bandwagon activist who looks for causes to support. I am 52 and aware of something that is blowing my mind. I cannot believe we are debating whether horse tripping should be protected and how frequently it is happening or reported. The Committee does not need to see more photos or hear more horror stories about it. You are here because you believe right must triumph and want to represent this great State's best interests.

When I lived in Dayton, there was a terribly dangerous intersection near a school zone. People drove recklessly near it, and residents begged authorities to do something. Authorities were not horrified until a little girl was hit by a vehicle. Unlike the videos we saw today, there was no video of anyone getting hit, legs and neck broken or teeth knocked out. If one of you objects to something in S.B. 72, you need to stop nitpicking and fix it because the bill needs to be passed.

Dorothy Nylen (President, Wild Horse Preservation League, Nevada Chapter; American Wild Horse Preservation Campaign):

The American Wild Horse Preservation Campaign is a coalition of more than 50 horse-advocacy, conservation, animal-welfare and historic-preservation groups. You have a letter ([Exhibit Q](#)) written by Suzanne Roy, director of the American Wild Horse Preservation Campaign, in support of S.B. 72.

Nathan Sosa:

I am a founding member of the Animal Law Section of the State Bar of Nevada. What the Committee is considering is whether it is permissible to inflict serious bodily injury on an animal solely for the sake of entertainment. In NRS 574.060 and NRS 574.070, Nevada has already condemned that notion by outlawing dogfighting, cockfighting and any other fighting between animals. Is there any real difference between pitting two animals in an event to maim each other for the sake of entertainment and having a human maim an animal for the same reason? The protections and prohibitions imposed on animal-to-animal cruelty should logically be extended to events where horses are brutalized for no other purpose except entertainment.

Nevada Revised Statutes Chapter 574 provides many protections for horses. They include NRS 574.180, which prohibits running a horse on a paved surface; NRS 574.190 requires that anyone transporting an animal must do it in a humane manner; and NRS 574.150 prohibits intentional poisoning of horses and makes it a Category C felony. The opponents of S.B. 72 would have the Committee believe it is legal to force horses to a gallop, trip them, break their legs, dislocate their joints, smash their teeth and, once they are lame, kill them solely for the purpose of entertainment.

This type of behavior and needless cruelty is already illegal in Nevada. We are asking you to apply the same prohibitions already on the books to horse tripping. Under NRS 574.100, it is illegal to " ... unjustifiably injure, maim, mutilate or kill" an animal. If I took 10 people off the street, showed them the videos we saw today and then asked, "Is it necessary to trip this horse and break its legs?" they would have the same reaction you had and say, "That is unnecessary."

The opponents of this bill will argue it is necessary and legal to maim horses because they think it is fun, exciting, enjoyable and part of their Hispanic cultural heritage. I am Hispanic, and no one in my large, extended family to whom I have talked about horse tripping has not condemned its needless cruelty. That argument is a cop-out. It is time for Nevada to join its sister states of California, Arizona, New Mexico and Texas, which all have large Hispanic populations, and ban the practice. We are the only Southwest state that has not done so. To those who say horse tripping should continue because it is part of their cultural heritage, I say that all Nevadans have the right and obligation to protect horses as part of our natural heritage.

Christopher Preciado:

You have my written testimony ([Exhibit R](#)). From the imprint on our State quarter to the Budweiser Clydesdales commercials shown during the Super Bowl, beautiful horses are part of our history. When Senator Manendo brought horse tripping to my attention, I was disgusted at how people can watch a horse fall and then struggle to rise, even if it can no longer walk.

I am from a Latino household. If we had the money, my parents would be living in a ranch house with horses roaming in the yard. We cannot afford to care for a horse, so we settled for a springer spaniel galloping across the yard. At the end of the day, we are discussing animal cruelty. This is neither a cultural nor a Latino issue; it is an animal-cruelty issue. Skin color does not predetermine if a person is going to rope and trip a horse.

Chris Giunchigliani (Clark County Board of Commissioners):

Similar legislation was put forward in the 76th Session, but issues were raised about whether horse tripping was occurring in Nevada, whether it was a problem and what the Committee was trying to fix. Lawmakers' job is to set policy and enable prevention. When I was a teacher, child abuse was not considered a problem, and teachers were not required to report it because it was underground. That is what is happening with horse tripping. Besides scheduled rodeo events, there are underground ones.

The Clark County Municipal Code has had anti-horse tripping language since 1996. In the 11 states and other Nevada jurisdictions in which it is illegal, laws and ordinances prohibit it if it is intentional and horses' legs are roped. We must maintain that language in our NRS.

This is not a cultural issue. It is about abuse and cruelty. We banned cockfighting and dogfighting, but they are still going on in my district. Policies and regulations must help with prevention. This bill would be one more tool in our box to assist law enforcers to do the job they need to do. Those who care about animals need to have the wherewithal to call in reports of horse tripping. In my district, by the time deputies get the calls, 200 people have disappeared. I applaud the Clark County Animal Control supervisor who saw an advertisement for the South Point Arena & Equestrian Center charreada and noted several of its events would not comply with county code. He sought out the promoters and told them he would cite them for the unpermitted activities.

A Clark County commissioner may want to undo the anti-horse tripping language, and that is a reason we need statewide legislation to cast an umbrella over the issue so commissioners are not pitted against each other. Cruelty is wrong, if you live in Pahrump, Elko County or Winnemucca. Senate Bill 72 would help us close loopholes. If a horse is hurt by accident, people are not cited. However, at behind-the-scenes rodeos, intentional injury is occurring. The bill will go a long way toward saying Nevada appreciates humans and their animals. We respect the right to conduct tourism and bring people to rodeos, but we also respect our animals' rights. Parents of abused children once said, "That child is my property. I do not have to report anything." Now I am hearing that about animals, and I am disgusted. The bill would help make sure there is no more silence about horse tripping.

Assemblywoman Lucy Flores, Assembly District No. 28:

I am representing the Nevada Hispanic Legislative Caucus (NHLC), of which I am vice chair. The NHLC does not support any form of animal abuse. This bill is misguided, misapplied and inaccurately portrays events it will affect. It will not prevent what its supporters think it will prevent.

Oscar Peralta (Legislative Intern, Nevada Hispanic Legislative Caucus):

The NHLC strongly believes in the fair treatment and welfare of animals and opposes any form of animal cruelty. We oppose S.B. 72 because it does not address cruelty and is premised on false, misleading and unfounded claims. There is no independent, verifiable data that the activities targeted by the bill pose an unreasonable risk of harm or stress to animals.

The NHLC opposes S.B. 72 because it unjustifiably criminalizes the cultural freedom of Hispanic Americans in Nevada. We do not believe that culture alone is ever an absolute defense, but an indictment of cherished cultural traditions should not be sustained unless it meets a high burden of proof. You have heard anecdotal testimony and unsubstantiated claims and that accidents are common at underground events. People who have supported this type of legislation for years have not collected evidence of horse tripping in the State, except about the Winnemucca injury.

Chair Ford:

You used the word "accidents," which this bill does not cover. It only covers intentional acts of horse tripping, period. Assemblywoman Flores said there is no cultural attachment to hurting animals intentionally, so I do not find that

argument persuasive. Since S.B. 72 only addresses intentional horse tripping, as clearly described in the bill, what is the NHLC's primary opposition to it? Charreada rules—which seem to be a higher burden of proof or standard than the bill—prohibit horse tripping intentionally or accidentally.

Mr. Peralta:

The bill's language states, " ... to intentionally trip or cause a horse ... to fall or lose its balance." That is problematic because that concept has been expansively interpreted in states with that exact language in statute. In California, several state animal agency officials have issued advisory opinions ([Exhibit S](#)) stating that any form of leg roping automatically causes a horse to lose its balance. This would directly interfere with the piales and manganas activities.

Chair Ford:

Did you say your concern is not intentional tripping but how roping causes horses to lose their balance and fall?

Mr. Peralta:

Our concerns are the loss of balance and the bill's unintended consequences. The bill could be interpreted to cover more charreada activities. Because no one has proven horse tripping is actually occurring, it is unnecessary. Nevada already has statutes addressing animal cruelty. We do not have to add, "No one shall kick a dog" to understand that is not permissible. All instances of animal cruelty should be prosecuted.

Chair Ford:

Is it your position that existing statutes cover what the bill's proponents are trying to address?

Assemblywoman Flores:

I want to elaborate on S.B. 72's unintended consequences. Based on evidence of supposed horse tripping that really showed horses' necks were roped, the bill's language may be interpreted to apply to other rodeo activities. It could open up other types of complaints about other rodeo practices dealing with ropes and animals' legs, including cattle roping and other competitions at rodeos and mainstream events that are important to the State's economy. The bill could open the door to ending industries important to the State and entire Southwest.

Senator Goicoechea:

The bill's language troubles me because we are discussing horse tripping. In old western movies, horses were tripped with wires and by hobbling, and that prompted the original NRS restrictions. The bill contains two sets of language: horse tripping and horse roping. We need to back up and address one or the other.

Senator Settlemeyer:

In the bill's definition, section 1, subsection 11, paragraph (a), the word "or" in the phrase " ... or lose its balance" creates ambiguity. I was riding my horse when it fell and threw me off. Was it my fault, according to that language? The word "intentionally" would not apply to my situation because when combined with "or," it creates ambiguity.

Chair Ford:

As I read the bill, there are additional questions opponents may want to address. If horse tripping is defined in section 1, subsection 11, paragraph, paragraph (a) as causing an animal to lose its balance by intentionally " ... using a wire, pole, stick, rope or other object ... " someone who does so would violate NRS. That seems to me extremely overbroad. I would like the bill's proponents to tell me how they would narrow that definition and for the opponents to tell me what language would assuage their concerns about unduly restricting rodeos.

Senator Goicoechea:

I can guarantee that charreada charros do not trip horses with wires, sticks or poles.

Alejandro Galindo (President, Nevada Associations Union, Mexican Federation of Charrería):

I am president of a "charrería" association in Las Vegas and the Hispanic representative for Western Heritage and Education, Incorporated, a nonprofit corporation based in Las Vegas that teaches team and calf roping, barrel racing and anything to do with western heritage. We conduct elementary school programs about the Western heritage and lifestyle.

I have gone back and forth between the cultures of rodeo and charreada. Our opposition to the bill is not just directed at horse tripping. Our chief concern is the bill would open the door to restricting all rodeos, including charreadas.

Chair Ford:

It is inappropriate to say the opposition is not directed at horse tripping. The bill may have unintended consequences, but its intent is to address horse tripping. Please outline the unintended consequences you fear.

Mr. Galindo:

I will read a quote from the February 24, 2011 *Texas Citizen* by Eric Mills that illustrates why the bill's language is ambiguous:

Steer roping, [which is] not seen in California, calf roping is the most reprehensible event in all of rodeo, worse than that of horse tripping, worse than that of steer tailing Mexican rodeo events. Imagine the public outcry if the cowboys mistreated pet dogs in the way they do roping cows.

This is the kind of misinformation that makes us wary of bills like S.B. 72. We have rules and regulations so we can conduct our sport and honor our culture properly. You have a copy ([Exhibit T](#)) of The Mexican Federation of Charrería rules.

Chair Ford:

Your rules do not allow horse tripping, so what other problems for charreadas would this bill present?

Mr. Galindo:

We are reaching out to animal-welfare groups and governmental agencies to avoid applying the bill to other charreada events. Senate Bill No. 364 of the 76th Session applied to manganas, which is the proper way to bring down a horse. If a horse is roped by the neck, any cowboy or charro will tell you that promotes struggling. The most efficient way to provide care for a horse is to provoke it to trip, after which cowboys can administer care and branding. You have a document ([Exhibit U](#)) about the history of that cultural tradition.

Horse tripping is already banned in our rules. The rules of the World Series of Charreada state that horse tripping will be penalized. Senate Bill 72 was amended to include just three words.

Chair Ford:

The Clark County horse-tripping ordinance and the bill's amendment mentioned by Senator Manendo states, "No person shall intentionally trip or cause to fall or lasso or rope the legs of an equine animal for sport and practice." The "lasso or rope the legs of" language of the Clark County ordinance is not in the proposed bill.

Mr. Galindo:

What I am trying to state is because of the Clark County ordinance, Senate Bill 72 should not be enacted.

Mr. Peralta:

The original Clark County ordinance had the same language as the bill. Once the bill is enacted, the amendment is a continuation of the ordinance. We see it as an attack on rodeo and believe the overall agenda of the bill's supporters is to further regulate the use of cattle in rodeo.

Chair Ford:

Are you saying one of your primary concerns is the "slippery slope" proven by virtue of the Clark County ordinance?

Mr. Peralta:

Absolutely. The issue is no one has been able to identify horse tripping as a problem. Testifiers have confirmed the Winnemucca incident was an accident. Why do testifiers not have photos of horse tripping they claim to have witnessed? If I witnessed something with which I had a problem, I would immediately photograph it with my cellular phone and then use it as evidence. The NHLC met with the bill's supporters and objectively reviewed all of their evidence. We remain firm in our assessment that there is no evidence of cruelty in charreadas. We will use culture as a defense for an attack on practices that are not cruelty but purely cultural tradition.

Toby de la Torre (Chief Executive Officer, Charros Federation USA, Incorporated):

I am the national representative for the Preservation of Charrería Committee, which fosters the way we practice it in the United States. I am familiar with and correspond with people mentioned today, including Randolph Janssen and Mr. Mills.

Several years ago, an agreement was made in Canada to work on calf roping but leave alone other events. However, immediately, another group went after steer roping. If you asked Mr. Mills, the ASPCA and the Humane Society of the United States (HSUS) what is their ultimate goal, they will say they want to ban calf roping. Mr. Mills told me he does not want to end all rodeo, but if we limited ourselves to parades and "ballet folklórico," that would be good. That position is extreme and self-serving. The ASPCA and HSUS will tell you they intend to end all rodeo. If a bill is enacted that prevents us from roping horses' legs, the bill's supporters cannot say in good conscience it is acceptable to rope cattle but not horses. Let us be fair, protect all animals and observe prosecutable animal-welfare laws.

I live in California, where many hundreds of piales and manganas events are held weekly. There has never been intentional cruelty at them. We were monitored by Laura Leigh for 2 days, and even though she claims to have seen horrendous activities, she shot video of just one accidental fall. Why do we not see 2 days' worth of the alleged atrocities? They were nonexistent.

Chair Ford:

Eleven states have outlawed horse tripping. Has that had a chilling effect on charreadas and reduced their number in those states?

Mr. de la Torre:

In two of those states, we do not know of one single registered charro or a charreada arena.

Chair Ford:

Were there charros and arenas in those states before the horse-tripping ban?

Mr. de la Torre:

Florida and Maine never had either. In Nebraska, we were ready to assist with and help police charreadas before they banned piales and manganas. Mr. Mills has told me many times, "Toby, we're not going to let you self-police because you will not get anything done." We will get a lot of things done because we will eliminate offenders from the Charros Federation USA (CFUSA).

Mr. Janssen is no longer part of the CFUSA because of the letters exchanged ([Exhibit V](#)) between us which you have. He believes that animals do not feel

pain. He does not represent charreada in any way, and he promotes the legalization of horse tripping. We are absolutely against that.

Mr. Peralta:

We have heard a lot from the Hispanic culture about this issue. They are outraged by the proposed restrictions in S.B. 72. Mr. Galindo received these 1,400 signatures on petitions protesting the bill within 2 days. The signers are all Nevadans, from rural and urban areas and from both halves of the State.

Senator Goicoechea:

Horse tripping is illegal in California, yet you say hundreds of charreadas are held there.

Chair Ford:

Was there a chilling effect on charreada in those states after they banned horse tripping?

Mr. de la Torre:

It was devastating for a while because people were unaware of the legislation. The CFUSA has only been defending the sport and combating legal restrictions for 2 or 3 years, because before that, we did not perceive there was a problem. There was a large decrease in charreada attendance due to the stigma attached to the bans. I have contacted many of the same organizations contacted by Mr. Mills. They tell me that although horses' rear legs are roped in piales and the animals lose their balance, no prosecutable cruelty has occurred because horses are gradually drawn to a stop in a professional method. The organizations agree that the NRS language is open to interpretation.

We do not need a law that outlaws cat kicking. If an officer sees me kicking a cat, he or she will decide whether to prosecute. If animal-welfare officers see someone at a CFUSA charreada who is abusing animals, they would approach me to say they wanted to arrest the offender. If it is proven to me that a charro intentionally hurt an animal, I will personally penalize or expel him, as I have done in the past. Senator Manendo's testimony amazed me because I have asked him on several occasions to give me the addresses of where horse tripping is happening, and I would gladly investigate. My pleas have been ignored. The same is true for Mr. Mills and several animal-welfare organizations. One organization was told, "Don't go to Toby's events." I have told everyone to send me reports on abuse, but they no longer attend my events.

Chair Ford:

In manganas, are horses' hind legs actually roped?

Mr. de la Torre:

Yes. We bring the animal to a stop in a straightaway governed by many rules ensuring the horses' safety. We use a breakaway rope, and charros have to execute the move in a short time. The original laws did not intend to cover manganas. Those were added later.

Mr. Peralta:

We have three videos ([Exhibit W](#)) of properly executed piales and manganas, according to CFUSA rules. They were shot at the Winnemucca event where the horse fell accidentally.

Mr. de la Torre:

As you watch the videos, ask yourself if the charros' actions should be considered cruelty. They are very different from the videos we watched earlier of roped necks and improperly roped feet.

Mr. Peralta:

In the video, the charro executes manganas, catching the horse's front legs. It runs ahead and does not fall. Here, the charro does trick roping, which takes many years of training. The rules specify both front legs must be roped.

Chair Ford:

In piales, if the legs are roped and the horse loses its balance, would that violate S.B. 72?

Mr. Galindo:

Yes. The California ban was directed toward piales, bronco bucking and bareback riding. It tried to outlaw the use of flank straps, claiming that the ropes or objects used cause horses to lose their balance.

Mr. de la Torre:

When I mount my horse, whether or not I am holding a rope, I compromise his balance. If I accidentally lasso a horse's legs with a big-loop lariat, I will be prosecuted.

Chair Ford:

Nevada Revised Statutes 574.100 does not address accidents.

Mr. de la Torre:

The proposed legislation includes the phrase “ ... roping of the legs” We understand our events make horses lose their balance, but it is not intentional. There are many safety rules in place, and roping is only done in a straightaway. If you rope a horse’s back legs, its strength, balance and neck are in the front of its body. When its legs are roped, it will open them and shift its neck. It might lose some balance as it is gradually stopped.

Chair Ford:

If “ ... lose its balance ...” were removed from the bill, would you accept it?

Mr. Peralta:

We do not have a problem with horse tripping per se, but we see any bill like this as another attempt to further restrict charreada and as a stepping stone to more anti-charreada legislation. Even if S.B. 72 were amended to address our concerns, we fear further restrictions, as in the case of the Clark County ordinance. That is why we hesitate to offer any amendments to the bill.

Chair Ford:

The NRS 574.100 subsection 9 states, “The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of: (a) Carrying out the activities of a rodeo or livestock show.” Does that not offer you protection?

Mr. Galindo:

Does “rodeo” mean our events and charreadas, or is directed toward PRCA and other sanctioned American-style rodeos? The NRS is already being interpreted so differently, it has been difficult on us. Our intention is not to promote any bill, because we have suffered enough. My father was a California charro. He and other charros did not testify against that state’s bill because it was presented as a horse-tripping bill. They knew that did not apply to them as it had already been prohibited in our rulebook. Manganas and piales have been used on the range historically, as shown in [Exhibit U](#). Equines and bovines are livestock.

Chair Ford:

As I understand it, “rodeo” would include charreadas. The Mesquite ordinance mentions rodeos conducted in accordance with the PRCA, but S.B. 72 does not delineate a particular rodeo that would be protected. I would argue the provisions apply to your events.

Eric Puentes:

Our Puente de San Isidro charreada team is registered with our president, Mr. Galindo. This bill could cripple us and lead to other restrictions, like on steer tripping. We are young, with some of our colleagues still in high school, and we are educating ourselves about the proper way to handle horses. The Winnemucca incident was just one event, and there is documentation ([Exhibit X](#)) that our group procured the services of a licensed veterinarian to treat the injured horse. We do care about our animals.

Our registered members and other people who practice charreada are being educated about proper ways to rope horses or calves. Just because a cowboy wears a sombrero, that does not mean he is uneducated and not following the rules. After school, our team is riding horses and staying out of trouble. We want to prevent this bill from creating further restrictions.

Homer Ortiz:

We are a young charreada team. Out of all of the rodeos in which we have participated, I have only seen the one Winnemucca horse injured, and I have been to more than 50 rodeos. It was just one accident, and we checked the horse for injuries. Roping is our sport. It is what we do. No one looks into the accident records of our other rodeos.

Salvador Solis:

Every day after school, I participate in the charreada team’s activities. We have an annual tournament in Elko, including sheriffs’ equestrian teams, and there is always a veterinarian there. We do not intentionally trip horses, but roping is our sport. Senate Bill 72 would cripple us by taking away roping events, which sometime determine if a team wins or loses a rodeo.

Mr. Puentes:

We invite the Committee to witness our organized programs. We do not exclude anyone. We do not harm animals.

C. Joseph Guild III, Esq. (Regional Vice President, Region 6, National Cattlemen's Beef Association)

I also represent the Reno Rodeo but am not speaking on its behalf today. I have been studying interpretation of the animal-cruelty statute for a long time. Chair Ford asked many testifiers whether the definition of "horse tripping" refers to an accident. The Winnemucca example is a good one to use for my interpretation of that language. Horse tripping is defined in S.B. 72, section 1, subsection 11, paragraph (a) as " ... intentionally trip ..." or cause an animal to fall. The use of the disjunctive "or" separates the intentional tripping part of the definition from something that could be interpreted as accidental. Even if that were not the case, it is ambiguous enough to call into question some of the unintended consequences of other states' legislation.

In taking into account S.B. 72, section 1, subsection 11, paragraph (a), if horse tripping is defined as roping of the legs or otherwise using a rope to cause a horse "to fall or lose its balance," that could cause penalties of a Class C felony to be imposed after an accidental situation.

Tina Trenner:

I have been in the horse business my entire life, and I support using them humanely. I am a lifetime member of the American Quarter Horse Association. I have raised four world-champion quarter horses, which won the All American Quarter Horse Congress Show, the largest single-breed exhibition in the world.

I beg you to pass S.B. 72. I have raised 20 to 30 horses annually for many years, and every one of them had four legs, one on each corner of its torso. When you make a horse run full speed and then take away two of those legs, it is almost a certainty it will go down. When I listen to the rationalizations and people talking about roping half of a horse's legs and thinking it will not fall, that is absolutely untrue. As for the bill's language, whether or not there is intent, the sheer fact that two of a horse's legs are knocked out from under it will cause it to fall most of the time.

I had a horse trader friend in California, and before it was illegal to send horses to the slaughterhouse, he used to buy many "killer" horses. Someone asked him if he could rent some of his kill-pen horses for the weekend. The renter assured my friend they would be fine after being used at a charreada. One horse was killed, and the others came back with extensive injuries, including broken withers and dislocated hips from being roped by the back legs.

I went to the Pahrump rodeo facility photographed by Ms. Flint to look at a horse for sale. Sheriff's deputies had just confiscated many fighting cocks there. Humane officers looked at four small mares in a corral with extensive injuries, especially ones that had been roped by the back legs. One mare's hip had been completely pulled out of the socket, and she was dragging that leg. Another had a rope burn so severe it reached down to the bone and had pulled the hide down on her leg.

I have been around Mexicans my whole life and love them and their culture. However, there are some things you do not do to animals. Tripping a horse or roping two of its legs is not an accident.

Linda Faso:

Horse tripping can and does cause crippling injuries. It sends many of the horses used—many too lame to walk—to the slaughterhouse to face more unspeakable cruelty. Countless horses have been mutilated by this unnecessary event in the name of fun or for profit. States that banned this barbaric practice have seen through the weak smokescreen or buzzwords used by people defending the practice as tradition or culture. It is neither; it is clearly animal abuse. We need to look at it for what it is. If the majority of people saw what tripping does to horses, they would strongly oppose it.

We cannot change how many horses have suffered or died, but we can stop this brutal event and end the insanity. If and when animal-control or police officers are called to these rodeos, horse tripping will not be done in their presence. Officers do not have the time or resources to monitor the problem.

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

I have been working on animal-welfare issues for about 30 years. The videos we watched at the beginning of this meeting say it all. This is animal cruelty. The public-safety angle of horse tripping has not yet been addressed. Last year at a Clark County Animal Advisory Committee meeting, a neighborhood incident was discussed. This led to the discovery of a rodeo being presented in a densely populated area. With mixed zoning, residential properties on cookie-cutter lots can be across from 1-acre lots with high walls.

A bull tortured at a rodeo escaped over a wall that led to a major street populated with children and near State Route 582, also known as Boulder Highway, one of our busiest streets. A horse escaped from the rodeo, was

hit by a car, flipped into the air and then lay there and screamed until someone shot it in the head. Underground rodeos are going on right under our noses in residential areas.

This is not a cultural issue. It is an animal-cruelty issue. We need to think about what is socially accepted in our culture. In the Philippines, people eat dogs. Hindus practice the bloodletting of cattle. Mexico and Spain allow bullfighting. Mexico allows cockfighting.

We do not have photos of illegal events because no one knows where they will be held. Two days ago I asked a woman whose husband goes to these events where they were, but she could not tell me. If rodeos are being presented legitimately, people should know where they are. This would lead to rodeos having special-use permits to operate in residential neighborhoods.

Elaine Carrick:

The opponents of S.B. 72 are creating problems not in the bill. If they oppose animal cruelty and horse tripping, they should not have problems with the bill.

Chair Ford:

They are concerned about the "slippery slope" argument and attacks on other aspects of rodeo.

Ms. Carrick:

Rodeo is not going away from Nevada, and it is good for our economy. The bill will not create a "slippery slope." We favor people following their cultural traditions and values, but if horse tripping and cruelty are taking place, that contradicts Nevada traditions. The video showed horse tripping in Winnemucca. Even if it only happens once or twice a year, we need a law to prevent it.

Chair Ford:

Should the law prevent both accidental and intentional horse tripping?

Ms. Carrick:

No. Horses can walk into a hole and trip. It is clear that if a rider lassoes a running horse by its legs, that is intentional.

Chair Ford:

In the videos in which roped horses did not fall, does that constitute horse tripping under this bill?

Ms. Carrick:

We need to ask Senator Manendo that. The videos shown by the bill's opponents did not show the lassoes touching the horses. Why was that not shown?

Chair Ford:

I will presume the ropes at least touched the horses, which continued to run. The presumption is the horses did not fall.

Ms. Carrick:

Maybe the ropers missed their marks. Many times they do hit the mark, which constitutes tripping.

Senator Settlemeyer:

In the opponents' video, a breakaway rope attached to the charro's belt was jerked. It is obvious that if the horse had been tripped, the man's entire weight would have been thrown. The bill needs new language because when, in section 1, subsection 11, paragraph (a) it mentions "... other object ...," even California allows leg roping for medical and branding purposes. Sometimes roping must happen at events to treat animals. Do you not think it is equally cruel to rope a calf as to rope a horse—or as George Orwell said, do you believe that "All animals are equal but some animals are more equal than others"?

Ms. Carrick:

I am here just to speak about horse tripping.

Margaret Martini:

I would like to address the moral values of some cultures' traditions and behavior toward living beings. Female circumcision is a cultural tradition in some ethnic groups. Does that make it right in the United States or Nevada? The culture-and-tradition argument for horse tripping is really a moral-values issue involving cruelty.

Chair Ford:

I respectfully disagree with the position that we are ultimately looking at horse tripping.

Ms. Martini:

I am talking about the validity of the argument that horse tripping is a cultural tradition. Many cultural traditions are morally unacceptable in our Country or State.

Chair Ford:

Ultimately, the bill's opponents did not say tripping was part of their culture. They said rodeos have components that could be attacked by virtue of this bill. I want to avoid the appearance of any attack on culture.

Ms. Martini:

I support S.B. 72 as the morally and right decision to be made.

Margaret Lewis:

I am from California. I attended a horse-rescue event in Sacramento 3 or 4 years ago. A man had horses that could barely walk after being rescued from horse-tripping events. He had to feed them by dropping the hay flakes at their feet, instead of feeding them from a manger. When I asked the man about the horses' prognosis, he said, "I don't know. I'm going to do my best." Do the right thing and pass this bill.

Kristen Corral (Nevada Political Action For Animals):

Romero Rodriguez, a spokesman for Mexican rodeos, stated publicly on KTNV ABC Channel 13 last night, "The practice of horse tripping in Mexican rodeos has been banned since the 1990s in the U.S." Senator Manendo responded, "If this is true then there should be no problem putting this into formal law."

Horse tripping is banned in many states and needs to be added to the list of cruel practices that will not be tolerated in our State. There are many other events to showcase that do not involve animal abuse. If this practice were inflicted on any other animal outside of a rodeo, the perpetrators would be charged with felony animal cruelty. Horses are beautiful, intelligent creatures that deserve to be treated with love and respect.

Betty Kelly:

You have my information packet ([Exhibit Y](#)). I have lived in northern Nevada since 1970. I have listened to all of today's testimony. We all know the saying, "You can put lipstick on a pig, but it doesn't change." That is what is happening here. I have never seen so much lipstick put on a pig. Horse tripping is still animal cruelty that needs to be stopped. There is quite a history of trying to get a bill like this passed, but it always gets kicked out. Senate Bill No. 26 of the 70th Session, in [Exhibit Y](#), passed in 1999 only after Senator Dean Rhoads removed the horse-tripping portion of the bill.

I am a retired pediatrician so I look at things differently than do politicians. Anyone who does not support this bill has an insane, psychopathic mentality, which must stop. We need more humane, compassionate and emotional people in the Legislature. Eliminating one's emotions from an issue like horse tripping is analogous to eliminating emotional reactions to the birth of your first child. That is part of our humanity. Is it acceptable if a child is molested or a woman is raped as long as the perpetrator leaves \$50 on the nightstand?

Chair Ford:

I do not understand that analogy. If any of the Committee votes against this bill, we are no less human and humane than others. Please refrain from aspersions like that.

Carla Bowers:

You have my written testimony ([Exhibit Z](#)). Do unto others as you would have them do unto you. This phrase should be applied not just human to human, but human to all of God's creatures. Some believe man was meant to have dominion over animals, but that does not equate to inhumane and cruel treatment. How would you like to be forced to run at full speed, be lassoed around your ankle or wrist and then jerked to a stop, breaking or pulling your limbs out of their sockets, just for sport? Humans supposedly possess compassion and conscience. Should we not use those gifts to be guardians and stewards of all animals and treat them humanely? Senate Bill 72 is an expression of that sensibility.

**Kristina L. Swallow, P.E. (Engineering Program Manager, City Engineer Division,
Department of Public Works, City of Las Vegas):**

We support S.B. 72.

Nechole M. Garcia, Assistant City Attorney (City Attorney's Office, Civil Division, City of Henderson):

The City of Henderson believes the intentional act of tripping a horse for entertainment or sport is animal cruelty. We have an ordinance prohibiting the practice, and we support S.B. 72 for that reason.

D. Eric Spratley (Lieutenant, Washoe County Sheriff's Office):

Washoe County Regional Animal Services is the consolidated animal-control and animal-service agency for the entire county, including the cities of Reno and Sparks. It is a division of the Washoe County Sheriff's Office. We do not have a statute in our County code relating to horse tripping, nor do we have ordinances in our animal-cruelty laws relating to the practice. We recognize and support S.B. 72 as providing additional protection for horses.

Chair Ford:

Can any of you speak to whether there have been historical incidences of horse tripping in your municipalities?

Ms. Swallow:

There have been reports of horse tripping in the City of Las Vegas and some of our more rurally zoned areas.

Chair Ford:

Were those reports investigated?

Ms. Swallow:

I do not know. We do not have an ordinance against horse tripping, so if rodeos were investigated, it would have been under other authorities.

Ms. Garcia:

The City of Henderson has not had reports of horse-tripping incidents.

Lt. Spratley:

I have patrolled Washoe County for more than 21 years and had never heard the term "horse tripping" prior to the 2011-2012 Interim. That just indicates my lack of knowledge. I have come across rodeos on 10-acre ranches, but I would not have recognized horse tripping if I had seen it prior to today's hearing. If our officers saw accidental incidences of cruelty at a private rodeo, our statute

would not label it "cruelty." Even if we saw someone at a rodeo strike an animal with a bat, that is not related to horse tripping.

Chair Ford:

Are you saying that under Washoe County animal-cruelty statutes, horse tripping at a rodeo would not be a violation?

Lt. Spratley:

Yes, even if we saw a horse go down or its leg was broken. If officers were allowed onto the property, since it was a rodeo and its promoters would claim it was an accident, the officers' authority would not apply.

Chair Ford:

If S.B. 72 were enacted and you saw a horse tripped, yet the promoters claimed it was accidental, would the statute apply?

Lt. Spratley:

The way the bill is written, specifically section 1, subsection 10, if I were at a rodeo or livestock event—neither of which the bill defines—but the property owner said, "I am just operating my ranch, and I have some guests," I might be able to submit the case to the Office of the Washoe County District Attorney to review my report for intent. It would be a legal gray area. We support the bill because it will educate law enforcers and the public. If someone provided evidence of horse tripping, we would submit that as part of a case.

Chair Ford:

If S.B. 72 were enacted, how would you interpret the video presented by the bill's opponents,?

Lt. Spratley:

That was a rodeo event at which I did not see an act of cruelty.

Ms. Swallow:

I need to correct my testimony: the City of Las Vegas does have an ordinance against horse tripping.

Robert Roshak (Executive Director, Nevada Sheriffs' and Chiefs' Association):

We are neutral on S.B. 72, not that we do not support animal-cruelty laws. I surveyed all State sheriffs and received responses from Lyon, Churchill,

Lincoln, Eureka, Storey, Nye and Carson City Counties. They said they had not investigated horse-tripping reports.

The Nye County Sheriff, Anthony L. DeMeo, said his county had an ordinance enacted preemptively after deputies had been told a possibly questionable event was coming up and residents wanted such a law passed. Sheriff DeMeo said his deputies have investigated but could not substantiate horse-tripping reports.

Chair Ford:

You said that none of the sheriffs you contacted had investigated horse-tripping reports. Does that mean no reports were made, or were they made but not investigated?

Mr. Roshak:

We have had no reports, outside of Nye County, except for some allegations investigated by deputies. They could not establish horse tripping had occurred.

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

We originally intended to testify against S.B. 72 because of its language concerning cattle prods and steer-tailing. I cannot see how the proposed amendment's language would translate into the bill. We are now neutral on the bill to ensure we would see how the cattle prod and steer-tailing amendment would be applied.

Chair Ford:

The amendment removes the steer-tailing and cattle prod language. Senator Manendo, would you respond to the "slippery slope" argument? When I met with the bill's proponents, I asked them point blank if their intention was to outlaw all rodeo, and they said it was not. Since then, we have heard about subsequent attacks on other rodeo events. Do you intend to remove the steer-tailing definition in section 1, subsection 11, paragraphs (b) and (c) as part of your amendment?

Senator Manendo:

Yes, we will remove that definition. Back in 1995, when we had a 21-to-21 tie vote in the Assembly on a similar bill, we heard "slippery slope" arguments against it. Testifiers today said the Clark County horse-tripping ordinance is overreaching, but no one said we need to repeal it. Given those two arguments, why does the National Finals Rodeo continue to be held in Las Vegas?

Chair Ford:

Commissioner Giunchigliani said one of her colleagues is seeking to repeal that ordinance.

Senator Manendo:

Yes, but that is in response to S.B. 72. In the 15-plus years that ordinance has been on the books, no commissioner has sought its repeal. Suddenly, it is an issue. Mr. de la Torre said I should go out and find illegal rodeos and give him their addresses. I have repeatedly asked him for 2 years about the events' whereabouts. It is not my responsibility to hunt down events everyone acknowledges are happening. He should invite the entire Committee to witness them.

Chair Ford:

The bill's opponents showed us video of contemporary charreadas. Would those events be a violation of the language in S.B. 72?

Senator Manendo:

No.

Chair Ford:

The assumption is the horses' legs were roped, but they did not fall, as verified by Senator Settlemeyer. As amended, would this statute apply?

Ms. Schwamberger:

No, but how many horses must be tripped in order to attain that level of roping skills? Horse tripping happened in the charros' practice process of getting to that skill level.

Chair Ford:

We can also assume the horses might have lost their balance, even if they did not fall. Should " ... or lose its balance ... " be removed from the bill?

Ms. Schwamberger:

The bill needs work to achieve our needs and those of its opponents.

Chair Ford:

Do you intend that accidents be covered by the bill, or just intentional tripping or loss of balance?

Ms. McGrath:

If everyone were concerned about “slippery slopes,” none of the bills in this building would be passed. We understand the language in section 1, subsection 11, paragraph (a) needs work. We want to be reasonable.

I do not know how to address your question about accidental versus intentional tripping. If you give a teenager drugs for 5 days, will he become an addict? I do not know the definition of “accidental.” Even the promoters of charreada testified that if two legs of a horse are lassoed, it will go down. The only thing we are concerned about is whether horses are injured when they fall. Are charros required to use breakaway ropes? We need to look at a lot of aspects of this legislation.

Ms. Schwamberger:

Since when is the “slippery slope” argument legitimate against anything? It is pure speculation.

Chair Ford:

The opponents had actual “slippery slope” examples of what happened after rodeo-event bans were enacted.

Ms. Schwamberger:

That is a speculative argument. The opponents are asking for a prior restraint on promoting other bans. I can name a multitude of “slippery slope” topics, but we are just trying to end the most egregious practices, not end rodeo proper. I reject that speculation. The “slippery slope” argument is fallacious: I may not testify tomorrow because it might rain. I may lodge a bill tomorrow because the moon is full.

The bill’s opponents claim horses are already protected under NRS 574.100, and Lt. Spratley said since “rodeo” is not defined in the bill, horses are not protected from the cruelty of tripping. Tripping for medical care is expressly exempted. Law enforcers are not receiving reports about clandestine rodeos because people probably see them as legitimate events and do not know what is really going on. Ms. Garcia said the City of Henderson has not received reports of horse tripping, so why is there an ordinance against it? If the ban were strictly prophylactic, that is legitimate.

Chair Ford:

I asked Henderson officials about that and was told it was because Clark County had enacted its ordinance.

Senator Manendo:

Testifiers have said they have suffered because of bans, but the horses have also suffered. Samuel Clemens, also known as Mark Twain, said, "Of all the animals, man is the only one that is cruel. He is the only one that inflicts pain for the pleasure of doing it."

Chair Ford:

We will close the hearing on S.B. 72. We will open the hearing on Senate Joint Resolution (S.J. R.) 1.

SENATE JOINT RESOLUTION 1: Expresses support for wild horses and burros in Nevada. (BDR R-115)

Carla Bowers:

You have my written testimony and information packet ([Exhibit Z](#)). I am speaking on behalf of national wild horse and burro advocacy groups and Nevada Political Action For Animals. You have a letter in [Exhibit Z](#) signed by 15 organizations in support of S.J.R. 1 and S.B. 72. It reads in part,

We urge you to pass SJR-1, which expresses support for wild horses and burros in Nevada. Nevada has more wild horses and burros than any other state in the Union. Since tourism is Nevada's Number One economic driver and wildlife viewing/photography is a multi-billion dollar industry in the U.S., it follows that supporting and promoting these national icons has the potential to build tourism and create new jobs throughout the state.

Just because we have the most horses and burros does not mean they are necessarily overpopulated. Their numbers may be a little over the arbitrary appropriate management level (AML) set by the Bureau of Land Management (BLM), Department of Interior, or the U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA). Are those numbers truly exorbitant? This is not to say wild horses and burros should not be managed.

On public land in the 10 western states, there are up to 4.5 million livestock species, 1 million elk, unknown millions of deer, 780,000 pronghorn, 70,000 bighorn sheep and 20,000 to 37,000 wild horses and burros. Native wildlife have full run of 650 million public, state and private acres. Livestock uses 238 million acres of public land, while wild horses and burros are allowed to use only 29 million acres, or less than 5 percent. They must share this with livestock and other wildlife.

In the 10 western states, in 2009, 9.5 million animal unit months (AUMs) of forage were allocated to big-game wildlife, 8.6 million AUMs were allocated to livestock and 301,000 AUMs were allocated to 26,600 wild horses and burros, just 2 percent of available forage. Additional forage is consumed by smaller animals. On Nevada's public lands, up to 500,000 livestock are rotated on and off the range, more than 82,000 big-game animals and 12,000 to 19,000 wild horses and burros.

These numbers show the wide discrepancy between livestock, wildlife and wild horse and burro use of public land, which is why S.J.R. 1 is so important. It acknowledges that we need to care for and manage well the few wild horses and burros allowed to exist on small tracts of western public land. The resolution acknowledges we need to make sure herds are genetically viable for long-term, healthy sustainability. It acknowledges public land must be maintained for thriving ecological balance, in which wild horses and burros play an important role as supported by the Wild Free-Roaming Horses and Burros Act of 1971, which states they are "an integral part of the natural system of the public lands." The resolution acknowledges the multiple-use aspect of public land, but this does not mean all uses all the time on all of the land.

With such a small public-land allocation for wild horses and burros, care must be taken to support their well-being and longevity. The resolution acknowledges healthy rangelands, and wild horses and burro depend on the understanding, cooperation and fairness of all parties involved. We all want healthy rangelands, but we must assess them honestly based on accurate animal counts and which ones use the land. The numbers of wild horses and burros need to be managed because they are restricted to such small tracts, and natural predation has been altered by humans.

The health of wild horses and burros involves more than adequate water and forage and good body weight and condition. They must also have a diverse,

sustainable gene pool. Senate Joint Resolution 1 encourages a spirit of cooperation, collaboration and fairness among all stakeholders to improve range conditions and support all animals on public land, not just focusing on removal of wild horses and burros. It encourages help for the BLM, USFS and USDA to help manage wild horses and burros on the range with fertility control to create viable herds and better management protocols.

The resolution encourages livestock operators, sports enthusiasts, recreationists, BLM, USFS, USDA and wild horse and burro advocates to work together to promote viewing and photography tours of the animals on the range.

Chair Ford:

Several of the Committee members have received emails urging support of S.J.R. 1 with certain amendments. One person wrote, "We'd like to see a change in the wording so the resolution states that wild horses and burros are an important resource of the State only if they are maintained at AML." Could you comment on that and why you think the AML is arbitrarily set?

Ms. Bowers:

Over the last 40 years, the way the BLM and the USFS have set AMLs has not been based on science, detailed range monitoring or and an understanding of which animals use the range. Instead, AMLs are based on politics. That is why we will not add language that wild horses and burros must only be considered an important resource at AML. The National Academy of Sciences has reviewed the BLM's Wild Horse and Burro Program for 2 years and will soon issue an assessment of and recommendations for the program.

Ms. McGrath:

You have my prepared testimony ([Exhibit AA](#)). The organizations I represent see S.J.R. 1 as an opportunity for increased tourism income for the State, especially for smaller cities and rural areas not visited regularly. Outfitters' safari-style tours and local restaurants and hotels would benefit.

International tourism is a growing industry in Nevada. Foreign visitors spend an average of \$1,000 per stay and remain in Las Vegas for more than 4 days. Domestic tourists spend \$645 per visit and stay about 3 days in Las Vegas. Therefore, the resolution is targeting international tourists. Nevada is one of the top-five tourism states, with 30 percent of our revenue derived from tourism

and retail. Wild-horse ecotourism is a viable opportunity for additional tourism revenue.

Ms. Nysten:

I refer again to the letter, [Exhibit Q](#), of support for S.J.R 1 from Ms. Roy of the American Wild Horse Preservation Campaign. I am president of the Wild Horse Preservation League, an educational organization in Dayton. One of our main focuses is promoting wild-horse ecotourism, and we have worked with the Commission on Tourism (NCOT), Department of Tourism and Cultural Affairs, to produce a brochure and secure tour operators for it. Unfortunately, that brochure is out of date, which is why I am not presenting it as an exhibit. We are revamping it. People come from all over the world to photograph Nevada's wild horses, and we receive many inquiries about where to do so. After we received a NCOT grant, I wrote examples of how to implement an ecotourism industry.

Chair Ford:

Do other states have programs like this?

Ms. Nysten:

I do not know. New Mexico is talking about such a plan but has not yet implemented one.

Chair Ford:

Do you have an estimate of how much money could be made from wild-horse ecotourism?

Ms. Nysten:

Yes, but I do not have it with me today. Such tourism had been ongoing for 3 years, but Las Vegas outfitters are having trouble because so many horses have been removed from the range. That is the foremost place tourists visit in the State. This resolution focuses on bringing the industry to rural, northern Nevada areas. A Swedish tourist spent an entire summer photographing our wild horses.

Ms. Jantzen:

Reno has some tourism, but the rest of northern Nevada has been left in the dust. It is a good thing to encourage wild-horse sanctuaries and cooperation between State entities and the BLM. It is better than stripping horses from the

range and dumping them shoulder to shoulder in holding facilities. There are many better ways to manage the problem.

The community fought the BLM hard to keep 11 horses in the Deer Run area of Carson City. They had been there since the mid-1970s. Residents proposed a multilayered management plan and offered to pay for changes to leave the herd in place, but the BLM was not interested. Senate Joint Resolution 1 would reopen dialogue and bring accountability to State entities. We want to cooperate to rebuild a culture in which horses brought foals to the Carson River to drink, showing their “kids” to our kids. It was a sight future children will not see if we cannot cooperate now. Northern Nevada has a wholesome thing that all citizens, not just gamblers and miners, can enjoy, embrace and be proud of.

Jacquelyn Leuener:

You have an information packet ([Exhibit BB](#)) from Kimberly Rhodemyre, who has left the room. I have an equine-marketing company with national and international affiliations. I have worked at the Kentucky Horse Park. If it were not for social media outlets, I would not know the Deer Run herd had been removed. I have been following the American Wild Horse Preservation Campaign’s reports of BLM gathers. Wild horses are part of our national heritage. Draft horses built this Country, and we need to cherish them. Madeline Pickens is working with the BLM to create the Saving America’s Wild Horses Eco-sanctuary. We can do that here. We can bring all of the Facebook users who want to photograph wild horses to Nevada. They use telephoto lenses because they should not want to get too close to wild horses, which is part of the BLM’s removal argument. This could be a win-win situation.

Hawthorne has adopted a wild-horse herd and is bringing tourists to Walker Lake to see them. I live in Washoe Valley, and one of my biggest joys was seeing “my” herd in Pleasant Valley on my commute to Reno. In the last 2 weeks, the herd has not crossed the road toward Little Washoe Lake because it has been gathered. Even if you are not a horse owner or rider, it is incredible to see wild horses’ spirit and soul. Horses go back to our European history, and it is incredible that we treat them with such disregard. Horse families are split up, and foals are taken from mothers.

Inmates train mustangs for adoption as part of the Saddle Horse Training Program at the Northern Nevada Correctional Center/Stewart Conservation Camp, Department of Corrections. I train horses and ride with autistic children

and adults who have never been around horses. Horses are “flight-or-fight” animals, but if they have synergy with humans and are treated correctly, everyone involved is inspired and benefits. We can control, vaccinate and administer birth control to wild horses, but all I have heard is how special interests and ranchers want the BLM to get rid of them. Nevada has the most BLM-managed land, and the Carson City Vital communities Act of 2008 is giving land to the City on which horses can live. The Committee can help establish a protocol. John Wayne said, “There’s nothing as good for the inside of a man than the outside of a horse.”

Ms. Newman:

Enacting S.J.R. 1 would enhance the State’s economy and promote the NCOT’s “Discover Your Nevada” campaign to attract tourists for long-term stays. Citizens voted for wild horses as one of the top-100 tourist attractions they would like in the State. They are mentioned in the Legislative Counsel Bureau’s *The Guide to the Nevada Legislature 2013-2014* and are imprinted on the State quarter. We are obligated to treat hoses fairly by passing this resolution.

Arlene Gawne (Spring Mountain Alliance):

I am a former wildlife photographer who spent 12 years in the African bush. Every time I came back to North America, I wondered why we did not use wild horses and burros to create multimillion-dollar industry photography safaris similar to Africa’s in our rural communities. We have the capability to build a unique, free-roaming wild-horse and burro industry based on scientifically sound range management and ecotourism viewing opportunities.

You have my handout ([Exhibit CC](#)) on wild horse and burro ecotourism. In 2010, Nevada attracted 10 percent of the Nation’s international tourists. One new job is created for every thirty-five international tourists. How can Nevada double its foreign-tourist rate to 20 percent? Point-of-origin statistics for the Grand Circle Tour of the Southwest, which includes Grand Canyon and Death Valley National Parks, show international visitors love beautiful, iconic western landscapes. In 2012, about 80 percent of the Grand Canyon flight tours out of Las Vegas were purchased by foreigners. The Las Vegas Convention and Visitors Authority found international tourists spent 57 percent more and stayed longer in Las Vegas than did domestic tourists.

What unique offering does Nevada have over all other states vying for the international-tourist dollar? We have the largest number of wild horses and

burros roaming on very iconic western landscapes that cannot be recreated. We have America's Serengeti Plain for wild horses. The 2011 Las Vegas Visitor Profile Study found 70 percent of first-time visitors and 46 percent of repeat visitors came for vacation or pleasure, not gambling.

The more nature-based entertainment Nevada can offer, the greater will be the unique draw of Las Vegas or Reno. Wild burros walking down U.S. Route 66 attract 500,000 visitors a year to little Oatman, Arizona. If safari-style wild-horse tours drew a half percent of the almost 40 million annual visitors to Las Vegas, that would be 200,000 visitors. Perhaps half that number could be attracted to Reno.

Juvenile animals are the number one draw for wildlife tourists in Africa. Tourists and photographers will expect to see family-band behavior: fighting stallions, nursing mothers, lead mares chastising overly exuberant foals. Las Vegas and Reno would not be the only places to prosper from horse ecotourism. Ranchers and rural Nevadans could conduct tours on their properties while providing ranch-style accommodations and food, thus diversifying the rural agriculture and mining economic base. Volunteer groups such as the Spring Mountain Alliance could help with population-control applications and developing tourism by helping private enterprises and with range-improvement projects like setting controlled burns, seeding swales with rangeland drill for temporary forage and enabling water disbursement.

Garnet Pasquale (President, America's Wild Horse Advocates):

This resolution is long overdue. The entire West, including Nevada, was built with the help of wild-horses' ancestors. Today's horses have been on their own on the range for hundreds of years, for 20 decades of generations. In 2004, we did a DNA study of 19 adopted wild horses gathered from Red Rock Canyon National Conservation Area. The blood samples were sent to Texas A&M University for analysis. They contained DNA showing Oriental, Iranian, Arabian and English elements and Spanish elements from Argentina and Brazil. There were three quarter horses. They were not just estrays.

As to the argument over whether wild horses are native to North America, [Exhibit Z](#) has an excerpt from a talk given in November 2011 by Ross MacPhee, Ph.D., Curator-Division of Vertebrate Zoology, American Museum of Natural History, at a legal forum on the 40th anniversary of the Wild Free-Roaming Horses and Burros Act of 1971. He said, "It needs to be more widely

understood that the horse's status as a native North American species is beyond serious question," and then he provides corroborative evidence.

Ms. Leigh:

I take photographs of wild horses throughout the State, primarily on public land. I see a lost tourism opportunity. I photograph many aspects of western culture, including rodeo, and most of my followers are Europeans. They want to go to the Reno Rodeo and out on the range with me. They want to see ranch life, wild horses and rodeo. They want to see the American West.

This is a resolution, not a bill, and there is a big difference. All S.J.R. 1 would do is begin a conversation to explore wild-horse ecotourism. There is a clear distinction between federal and State jurisdictions over horses. The State will not take over management of those horses on BLM lands. This resolution would unite the concept of western culture. Instead of seeing its elements as finite, separate entities, we have a unique American West.

Tina Brodrick:

You have my written testimony ([Exhibit DD](#)). There is much to do about horses. Our language is full of references to their importance to our lives: horsepower, horseplay, horse crazy. "Mestengo" is Spanish for "stray horse." Nevada classifies the American heritage horse as feral, like a dog or cat that got loose yesterday. Mustangs are icons. In 1914, President Theodore Roosevelt said, "It is our duty to preserve the wildlife, including horses." Whether they are classified as wild, mustang or feral, they need a place in our lives, and humans need them for the visceral experience they provide.

Wild horses are a natural resource, and Nevada can become the destination for people to see these American icons. People come from all over the Country specifically to see wild horses. With the help of the NCOT, foreigners would clamor to see them. Cooperative agreements with horse advocates should be renewed.

Larry J. Johnson (President, Coalition for Nevada's Wildlife):

Horses are mystical figures dear to my heart. I was the wildlife representative for the BLM's National Wild Horse and Burro Advisory Board for more than 10 years. The Coalition for Nevada's Wildlife supports S.J.R. 1 with amendments ([Exhibit EE](#)). In my aforementioned capacity, I explored every bit of

scientific background and management of wild horses. We would like to amend S.J.R. 1's page1, lines 17 and 18 to read,

Whereas, Limiting the number of wild horses and burros in small, isolated Horse Management Areas (HMAs) on public and private lands may jeopardize their genetic diversity, health and long-term survival in the State of Nevada ...

In Nevada's large horse-management areas (HMA), genetic diversity is not an issue, as determined by several researchers. When genetic diversity may be an issue in small, isolated herds without an influx of outside horses, the BLM feeds fresh blood into them.

We propose that our second amendment, on page 1, lines 20 to 22, would read,

Whereas, Healthy rangelands and healthy wild horses and burros only exist where maintained at Appropriate Management Levels depend on the understanding, cooperation and fairness of all interested parties ...

Yes, we have more horses than any other state, but a large percentage of our HMAs are hundreds of percent over appropriate management levels (AMLs). The AMLs are determined by the best science and based on available forage and water and range conditions. You have photos ([Exhibit FF](#)) of three springs before and after restoration. Sporting groups have fenced riparian areas subjected to excess wild-horse use in places from which domestic cattle have been removed for decades. A year after fencing, the springs in [Exhibit FF](#) suddenly resembled the Garden of Eden.

We all love to see wild horses on the range as beautiful and valuable resources. However, like any other resource, they require management, or all public lands, including HMAs, will suffer. I make this claim based on science. The Yakama Nation gave a presentation about how their Washington state reservation is so overpopulated with wild horses, the animals have shrunk to an average of 13 hands high, a bit larger than a pony. At an average of 750 pounds, on a body-condition scale of 1 to 10, they rate a 3. That is what happens when horses are allowed to overpopulate. As a big, strong, dominant animal, they

outcompete native species, so it is mandatory we manage them for the benefit of every other species. We ask the BLM and USFS to follow the law.

You have the fact sheet, in [Exhibit EE](#), on the impacts of feral horses from The Wildlife Society, whose members are professional wildlife biologists. The article states,

Current management practices are severely restricted by popular opinion, which has failed to consider the devastating impact of feral horses on native species and natural ecosystems or the growing and substantial cost to taxpayers.

Dick Senior:

I ride my all-terrain vehicle in the mountains near my Pahrump home 2 or 3 times a week on about 100 miles on the east side of Mount Charleston. Since 2000, I have been maintaining water tanks that used to be used for cattle. Wild horse, deer, elk and birds drink from them.

I support S.J.R. 1 because it could create a lot of tourism. My siblings live in California, Washington state and Pennsylvania. On a visit to me, my uncle pulled a coin out of his pocket and said, "This is the Nevada quarter with wild horses on it. I want to see them." My relatives all want to see wild horses, and I take them to the tanks. I am a member of the Spring Mountain Alliance and volunteer to help the BLM's population-control applications programs, which prevents mares from having foals for their first through third years. That keeps herd numbers manageable, the definition of which differs between the BLM and my group. The BLM says there are 150 to 298 horses on the east side of Mount Charleston below its snowline. I only see about 50 horses below the snowline, because about 3 years ago, a majority of the herd was removed. If we can stop further BLM gathers, tourists can come to see these horses.

Bob Brunner:

I support the resolution with Mr. Johnson's amendment that the horses are kept at AML. I would like to be able to continue taking my family out to see wild horses. I have a degree in wildlife management and know why wildlife populations fluctuate. Forage is depleted, and there is a big die-off. Depending on the die-off's severity, it can take 20 to 30 years for populations to recover. If herds are properly managed, we can always enjoy seeing them on the range.

Experienced BLM biologists determine AMLs. The resolution could facilitate cooperation among stakeholders while discussing AMLs.

Joel Blakeslee (Coalition for Nevada's Wildlife, Nevada Trappers Association, Southern Nevada Coalition for Wildlife):

I majored in range management and know a lot about plant taxonomy. Plants go dormant in winter, and in spring when they re-emerge to photosynthesize and grow, wild horses eat them 24 hours a day, 7 days a week for 365 days a year. Livestock can be moved depending on the season of use. In March, one horse can potentially do more damage to the range than 100 cows in September, after seeds ripen and plant dormancy drops. I support S.J.R 1 with Mr. Johnson's AML amendment.

Cat Kindsfather:

I am a wild-horse photographer and adopted two of the gathered Carson City Deer Run stud colts. I belong to the Wild Horse Preservation League, the Deer Run Wild Horse Preservation Group and the Hidden Valley Wild Horse Protection Fund, where I serve on the adoption committee. The Wild Free-Roaming Horses and Burros Act of 1971 states horses enrich the American spirit. Watching their normal activities like grooming, nursing and sparring enriches our spirits. Nevada has been blinded by powerful ranching and hunting interests, which many politicians are afraid to oppose. Wild horses are a natural resource that could be a source of tourism income. Terri Farley, who was awarded a Nevada Writers Hall of Fame Silver Pen Award, called wild horses "the gems of the West."

Chair Ford:

Return to Freedom, Inc. (RTF), sponsor of the American Wild Horse Preservation Campaign, just signed a cooperative agreement with the State Department of Agriculture (SDA), which states that any horses the SDA picks up in the Virginia Range for public safety will be offered to the RTF for \$100 per horse for them to take ownership of and the place of the caregiver.

Tom Smith (Vice President, Coalition for Nevada's Wildlife):

You have my written testimony ([Exhibit GG](#)). While I support the resolution, I want to caution the Committee about the dangers of horse overpopulation. In December 2009, Ms. Farley said, "I think the last wild horse may already have been born." Since then, horses have procreated about 20 percent every 4 to 5 years, which means at least 10,000 horses have been born in Nevada.

With the unreserved love and admiration so many people have lavished on them—I, too, am a horse owner and trainer—there is a very real chance both horses and native wildlife will suffer from overcrowding. People with the same love for their cats and dogs cannot sacrifice even one of them and have not managed their numbers to the point that authorities must sometimes remove hundreds of overcrowded, starving pets from homes.

Horses are not wildlife but are introduced species, and we should not make them wildlife. Dr. McPhee's study of wild-horse DNA showed modern horses are the same that died out in North America 8,000 to 11,000 years ago. If we follow that same logic, we should still have lions, camels and elephants in Nevada. If those species were reintroduced, we would not call them native wildlife.

Kyle Davis (Political and Policy Director, Nevada Conservation League & Education Fund):

I oppose S.J.R. 1 as written because it does not address AMLs. We do not argue with considering horses on the range and making sure species are managed so they all benefit. Without AMLs, herds will overpopulate and create significant environmental impacts.

Bonnie Kohleriter:

You have my information packet ([Exhibit HH](#)) concerning healthy genetic diversity of wild horses. I ask that the phrase "appropriate management levels" be excluded from S.J.R. 1. Current AMLs may be detrimental to the continued existence of wild horses and burros.

Dr. E. Gus Cothran, Ph.D., the retained biologist for the BLM's Wild Horse and Burro Program, has stated in a letter in [Exhibit Z](#), " ... a census population of 150 to 200 [horses and burros] is required to achieve the minimum effective population size," to ensure continued genetic viability. Less than that can produce loss of fecundity, increased foal anomalies, birth defects and a reduced sustainability. Nevada has 77 HMAs, of which only 14 have AMLs of more than 150 horses. The future of the other HMAs is questionable.

Mr. Busselman:

You have my written testimony ([Exhibit II](#)). The Nevada Farm Bureau Federation opposes S.J.R. 1 based on several elements that run counter to our policies. We have experienced several day-to-day failures of responsible federal

land-management agencies to accomplish healthy rangeland and wild horses. The resolution advocates combining wild horse and burro management, as classified under the Wild Free-Roaming Horses and Burros Act of 1971, with that of feral and estray animals. This blurs the distinctions between State and federal laws and will not improve the situation for anyone.

We do not oppose the use of private property for a horse eco-sanctuary or tourism enterprise, but it is inappropriate to twist or ignore existing laws to establish them. The use of federally managed lands to establish an eco-sanctuary is not authorized by various laws covering horses or said lands. It does not offer a solution to the problem of established, overpopulated herds that far exceed AMLs.

Chair Ford:

If the resolution is passed and the BLM allows an eco-sanctuary, would that remove some of your objections?

Mr. Busselman:

We are on record opposing such an action. That use of the administrative process contradicts laws the BLM is supposed to be using to manage horses and public land. Senate Joint Resolution 1 seeks to round off the AML responsibility in a manner that dilutes recognition that authorities are not meeting their responsibilities and are causing habitat loss for wildlife and violating the multiple-use concept that they are supposed to meet. The resolution is not based upon concepts founded on the principles of federal or State laws, thus weakening an already failed management system. We think Mr. Johnson's AML amendment would be appropriate. On the resolution's page 2, lines 10 to 14, we contend the defined animals are not wild horses but feral and estray, by law.

Chair Ford:

Is the State responsible for feral and estray horses?

Mr. Busselman:

Correct. Under the Wild Free-Roaming Horses and Burros Act of 1971, wild horses and burros are managed by federal agencies. The distinction between the two populations must not be blurred.

Chair Ford:

Are not those distinctions blurred as horses move between public and State land?

Mr. Busselman:

Yes, but in this situation, distinctions are largely not blurred. Many people are trying to convince the public that stray and feral horses are wild.

Elmer Bull (Chief, Habitat Division, Department of Wildlife):

We are neutral on S.J.R. 1. My agency supports the preservation and protection of all species in the Nevada ecosystem and federal agencies' multiple-use concepts here. Wildlife must be managed to sustain robust, viable and aesthetically pleasing populations. The resolution's page 1, lines 14 to 16 state, "Whereas, the Bureau of Land Management is required to maintain a thriving natural ecological balance and multiple use relationship on public lands in the State of Nevada" Some of that language is paraphrased from the Wild Free-Roaming Horses and Burros Act of 1971. Federal land-management agencies established AMLs based on an evaluation of ecosystems and population levels that can be sustained within them. Ecosystems' AMLs are based on the best science we have and are established numbers. In many HMAs, AMLs are not being maintained, and a lot of damage has been done to the range. I agree wild horses can be a tourist draw, but they must be managed correctly to AML.

Chair Ford:

If the AML amendment were added to S.J.R. 1, many more stakeholders would support it. Would you reconsider your testimony that it not be included? If not, do you have an alternative, scientifically based management tool comparable to the AML that could satisfy the resolution's opponents?

Ms. Bowers:

I need to confer with Senator Manendo and Ms. McGrath about your questions. I am distressed that the wild-horse range-allotment figures I keep presenting to the BLM are being ignored. I agree that we need resources to sustain horses, livestock and wildlife, but the range allocations are unfair. The horses on the Virginia Range are incorrectly termed "stray" and managed by the USDA.

Senator Goicoechea:

As we walk through the resolution, maybe it is time to also discuss agencies' best-management practices. How do you inject fertility-management drugs without catching mares every 3 years? I am concerned about what the Wild Free-Roaming Horses and Burros Act of 1971 and Wild Horses and Burros Program has done to the viability of wild-horse herds. If AMLs are exceeded, horses must be removed.

Chair Ford:

Seeing no more business before the Senate Committee on Natural Resources, I adjourn this meeting at 6:11 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	1		Agenda
	B	13		Attendance Roster
S.B. 72	C	1	Senator Manendo	Letter from Dina Titus
S.B. 72	D	1	Senator Manendo	Letter from Chris Giunchigliani
S.B. 72	E	4	Christine Schwamberger	Written Testimony
S.B. 72	F	1	Chair Ford	Flyer: "World Series of Charrería Las Vegas 2013"
S.B. 72	G	1	Beverlee McGrath	Written Testimony
S.B. 72	H		Margaret Flint	Video on DVD
S.B. 72	I		Beverlee McGrath	Video on DVD
S.B. 72	J	1	Beverlee McGrath	Letter from Dan Coburn
S.B. 72	K	1	Beverlee McGrath	Photograph
S.B. 72	L	3	Margaret Flint	Photographs
S.B. 72	M	2	Eric Mills	Written Testimony
S.B. 72	N	11	Eric Mills	Information packet
S.B. 72	O	1	Eric Mills	Letter from Arturo Rodriguez
S.B. 72	P	2	Kevin O'Neill	Written Testimony
S.B. 72	Q	1	Dorothy Nylen	Letter from Suzanne Roy
S.B. 72	R	1	Christopher Preciado	Written Testimony
S.B. 72	S	4	Oscar Peralta	Letters
S.B. 72	T	8	Alejandro Galindo	Charreada Federation rules
S.B. 72	U	11	Alejandro Galindo	"American Proof of Manganas (fore footing) and Colas (steer tailing)"
S.B. 72	V	2	Toby de la Torre	Letters
S.B. 72	W		Toby de la Torre	Video on DVD
S.B. 72	X	3	Eric Puentes	Letters
S.B. 72	Y	11	Betty Kelly	Information packet

S.B. 72	Z	11	Carla Bowers	Information packet
S.J.R. 1	AA	1	Beverlee McGrath	Written Testimony
S.J.R. 1	BB	21	Kimberly Rhodemyre	Jacquelyn Leuener information packet
S.J.R. 1	CC	10	Arlene Gawne	Information packet
S.J.R. 1	DD	1	Tina Brodrick	Written Testimony
S.J.R. 1	EE	1	Larry J. Johnson	Proposed amendment
S.J.R. 1	FF	4	Larry J. Johnson	Photographs and article "Feral Horses: Get the Facts"
S.J.R. 1	GG	1	Tom Smith	Written Testimony
S.J.R. 1	HH	14	Bonnie Kohleriter	Handout: "Genetics: Healthy Horses on Healthy Rangelands?"
S.J.R. 1	II	2	Doug Busselman	Written Testimony