

SENATE BILL NO. 387—SENATOR MANENDO

MARCH 17, 2015

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to wild horses and burros. (BDR 50-681)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to animals; providing requirements for a person who holds wild horses, burros or estray horses in a confinement area; providing requirements for such a confinement area; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Pursuant to federal law, wild free-roaming horses and burros are under the
2 jurisdiction of the Secretary of the United States Department of the Interior for the
3 purposes of management and protection. (16 U.S.C. § 1333) Existing law in this
4 State provides for criminal penalties for any person who, without authorization,
5 commits certain acts relating to wild horses, including, for example, removing or
6 attempting to remove a wild horse from public lands, converting such a wild horse
7 to private use or harassing a wild horse. (NRS 504.490) **Section 1** of this bill sets
8 forth certain requirements relating to the health and safety of the animals for any
9 place used as a containment area for wild free-roaming horses and burros or estray
10 horses, and requires a person responsible for such a containment area to provide the
11 animals with regular hoof trimming, veterinary care and treatment as needed and
12 sufficient monitoring of the containment area to ensure the health and safety of the
13 animals in the containment area.

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

1 **Section 1.** Chapter 574 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. A person responsible for wild free-roaming horses and***
4 ***burros or estray horses which have been removed from their***



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1 *natural habitat and placed in a containment area must ensure*
2 *that:*

3 *(a) The containment area meets the requirements of this*
4 *section;*

5 *(b) The animals in the containment area are monitored*
6 *sufficiently to ensure their health and safety; and*

7 *(c) The animals in the containment area receive:*

8 *(1) Regular hoof trimming; and*

9 *(2) Veterinary care and treatment as needed.*

10 *2. Except as otherwise provided in subsection 3, a*
11 *confinement area used to contain wild free-roaming horses and*
12 *burros or estray horses which have been removed from their*
13 *natural habitat must:*

14 *(a) Allow access for all the animals in the containment area to*
15 *a sufficient supply of:*

16 *(1) Good and wholesome food and water;*

17 *(2) Air; and*

18 *(3) Salt blocks.*

19 *(b) Have a solidly installed fence or other containment device*
20 *sufficient to keep the animals safely contained within the*
21 *confinement area.*

22 *(c) Have shade sufficient to protect all the animals in the*
23 *confinement area from direct sunlight and warm temperatures.*

24 *(d) During any period for which a heat advisory has been*
25 *issued by the National Weather Service, have activated misters or*
26 *other water-spraying devices sufficient to cool a shaded area large*
27 *enough for all the animals in the confinement area.*

28 *(e) Have solidly installed shelter structures sufficient to protect*
29 *all the animals in the confinement area from blizzards, freezing*
30 *temperatures, extreme wind chills and other severe weather.*

31 *(f) Provide space sufficient to ensure:*

32 *(1) The safety of all the animals in the containment area*
33 *from overcrowding;*

34 *(2) That mares and stallions are separated;*

35 *(3) That mares and their foals are not separated until the*
36 *foals are at least 6 months of age; and*

37 *(4) That diseased, impaired or deceased animals can be*
38 *isolated from the other animals in the confinement area.*

39 *3. The provisions of subsection 2 do not apply to wild free-*
40 *roaming horses and burros or estray horses that are:*

41 *(a) Being held for not more than 48 hours; and*

42 *(b) The subject of imminent adoption or sale proceedings.*

43 *4. As used in this section:*

44 *(a) "Containment area" mean any place designed and*
45 *intended to restrict the free movement of the animals contained*



1 *within, and includes, without limitation, a holding facility, fenced*
2 *area, corral or livestock pen.*

3 *(b) "Estray horse" means any horse, or mule, burro, ass or*
4 *other animal of the equine species, which meets the definition of:*

5 *(1) "Estray" as that term is defined in NRS 569.0075; or*

6 *(2) "Feral livestock" as that term is defined in*
7 *NRS 569.008.*

8 *(c) "Wild free-roaming horses and burros" has the meaning*
9 *ascribed to it in 16 U.S.C. § 1332.*

10 **Sec. 2.** NRS 574.050 is hereby amended to read as follows:

11 574.050 As used in NRS 574.050 to 574.200, inclusive **H** ,
12 *and section 1 of this act:*

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

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

17 3. "Police animal" means an animal which is owned or used by
18 a state or local governmental agency and which is used by a peace
19 officer in performing his or her duties as a peace officer.

20 4. "Torture" or "cruelty" includes every act, omission or
21 neglect, whereby unjustifiable physical pain, suffering or death is
22 caused or permitted.

23 **Sec. 3.** NRS 574.200 is hereby amended to read as follows:

24 574.200 The provisions of NRS 574.050 to 574.510, inclusive,
25 *and section 1 of this act* do not:

26 1. Interfere with any of the fish and game laws contained in
27 title 45 of NRS or any laws for the destruction of certain birds.

28 2. Interfere with the right to destroy any venomous reptiles or
29 animals, or any animal known as dangerous to life, limb or property.

30 3. Interfere with the right to kill all animals and fowl used for
31 food.

32 4. Prohibit or interfere with any properly conducted scientific
33 experiments or investigations which are performed under the
34 authority of the faculty of some regularly incorporated medical
35 college or university of this State.

36 5. Interfere with any scientific or physiological experiments
37 conducted or prosecuted for the advancement of science or
38 medicine.

39 6. Prohibit or interfere with established methods of animal
40 husbandry, including the raising, handling, feeding, housing and
41 transporting of livestock or farm animals.

42 **Sec. 4.** This act becomes effective upon passage and approval.

