

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

**Seventy-Ninth Session  
May 9, 2017**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Vice Chair Lesley E. Cohen at 1:35 p.m. on Tuesday, May 9, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Heidi Swank, Chair  
Assemblywoman Lesley E. Cohen, Vice Chair  
Assemblyman Chris Brooks  
Assemblywoman Maggie Carlton  
Assemblyman John Ellison  
Assemblywoman Sandra Jauregui  
Assemblywoman Lisa Krasner  
Assemblywoman Robin L. Titus  
Assemblyman Justin Watkins  
Assemblyman Jim Wheeler  
Assemblyman Steve Yeager

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senate District No. 19  
Senator Mark A. Manendo, Senate District No. 21



**STAFF MEMBERS PRESENT:**

Susan E. Scholley, Committee Policy Analyst  
Randy Stephenson, Committee Counsel  
Nancy Davis, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Mendy Elliott, representing Nevada Humane Society  
Shyanne Schull, Director of Regional Animal Services, Washoe County Regional  
Animal Services  
Jason King, P.E., State Engineer and Administrator, Office of the State Engineer,  
Division of Water Resources, State Department of Conservation and Natural  
Resources  
Omar Saucedo, representing Southern Nevada Water Authority  
Mike L. Baughman, Executive Director, Humboldt River Basin Water Authority  
Tony Wasley, Director, Department of Wildlife  
Barry Smith, Executive Director, Nevada Press Association  
Amanda Brazeau, representing Nevada Humane Society  
Kiska Icard, Chief Executive Officer, Nevada Humane Society  
John Potash, Private Citizen, Reno, Nevada  
Jennifer Newmark, Administrator, Wildlife Diversity Division, Department of  
Wildlife

**Vice Chair Cohen:**

[Roll was called and standard rules of the Committee were reviewed.] We will start with  
Senate Bill 371 (1st Reprint).

**Senate Bill 371 (1st Reprint): Establishes provisions governing the care of an animal  
which has been impounded. (BDR 14-153)**

**Senator Pete Goicoechea, Senate District No. 19:**

I brought Senate Bill 371 (1st Reprint) forward at the request of Nye County. They were running into a problem as they were arresting and detaining people in their jurisdiction, especially in the rural areas around Pahrump. A number of these people have horses, cats, and dogs that had to be maintained. The bill says, "If a person is lawfully arrested and detained in a county for more than 7 days, . . . the county must notify the person of the impoundment of the animal and request that the person provide to the county the name of any person who is authorized to care for the animal." When a person is arrested and he is the only person at the dwelling, the county must take care of his animals, because they are private property. At that point, the incarcerated person could designate someone to assume his domesticated animals. If he does not have anyone, after seven days, and after the incarcerated person had been notified, the county could offer those animals up for adoption and/or send them to some place that had adequate care and shelter for the animals.

The problem the county was running into was, they were holding these animals for up to six months. The county did not have the ability to lien the incarcerated person for the care, and they were paying in excess of \$300,000 per biennium in shelter costs.

That is what this bill is about. It gives the incarcerated person options. If he is arrested and detained for seven days, then the county can offer his animals to a person of his choice or to another agency.

The second piece of the bill is, if you are lawfully arrested and convicted of a crime, the county can, through appropriate legal action, place a lien on that animal to recover the costs.

**Assemblyman Wheeler:**

In looking at the bill, section 2, subsection 1, says, "If there is no authorized person who is able to provide adequate care and shelter to the animal, the county may allow another person who is able to provide adequate care and shelter to adopt the animal." Adopt means the person would keep the animal forever. So, if someone is in jail but has not yet been adjudicated of anything and his three horses that are each worth \$40,000 are adopted out, if he is found not guilty, will he still lose his horses?

**Senator Goicoechea:**

Clearly, if you had the types of animals you are referencing, the incarcerated person would have a friend or acquaintance who would pick up and maintain the animals or even maintain them at the same place. The scenario we are dealing with here is for more of the transient population. Maybe all the person has in the community is his car with two or three pets in it. The county has no choice but to house the animals. We are trying to make it right, but also to avoid some of the long-term care of these animals.

**Assemblyman Wheeler:**

I understand the intent, but what bothers me is the actual written word of the law. If someone was to move from Texas to Nevada with a couple of nice reining horses, is arrested for a felony, and has no one to care for those animals, is he going to lose them? It bothers me that even a dog or a cat could be adopted out to someone else without any adjudication of that person being guilty of a crime. I understand what this bill is trying to do; I am just wondering if we can massage the language a little to make it work.

**Senator Goicoechea:**

I am fine if we want to throw a line there that if the person is not convicted, then the animals must be returned to him.

**Assemblyman Wheeler:**

I think just the word "temporarily" would do it.

**Vice Chair Cohen:**

I was thinking along the same lines—with the caveat that I know rescues and foster homes for animals are the rarest commodity—but would you be willing to add some language that if a foster program is available, if someone is guilty or not, then that would be a possibility?

**Senator Goicoechea:**

The language that we used is language that was given to us by Nevada Humane Society. This is what they felt comfortable with. I think they thought that by saying "able to provide adequate care and shelter to the animal" would open up a number of options, whether it was a county facility, another volunteer organization, or Nevada Humane Society, they felt comfortable with that language because it did not say it had to be an adoption agency.

**Mendy Elliott, representing Nevada Humane Society:**

We are happy to take the recommended language back to the Humane Society and to Washoe County Regional Animal Services to see if they are comfortable with the additional language. The language came from Washoe County and from the Humane Society, and we are happy to entertain additional language.

**Vice Chair Cohen:**

I understand that often fosters are not available, but just in case there are organizations that have fostering available. I am assuming we do not want to include livestock, but oftentimes, we see more and more pet pigs and pet chickens, et cetera. Would you be willing to include them with the cats and dogs, making the difference known between livestock pigs and pet pigs?

**Senator Goicoechea:**

Section 2, subsection 3 says, "'animal' means any dog, cat, horse or other domesticated animal." That would cover the potbellied pigs and the rooster that lives in the living room. I think that is covered in "domesticated animal."

**Vice Chair Cohen:**

The next line says, "The term does not include any cattle, sheep, goats, swine or poultry."

**Senator Goicoechea:**

Our intention was that if it was domesticated, it would be included.

**Randy Stephenson, Committee Counsel:**

This bill has a very explicit exclusion that says any cattle, sheep, goats, swine or poultry. Regardless of whether that is a pet or not, I think you could make a pretty good argument that the bill would not apply to a pet chicken. Certainly, some language to clarify that would help. Also, as to the term of including the adoption agencies and nonprofit organizations being given the opportunity to adopt an animal, generally people do not understand, but the

term "person," in *Nevada Revised Statutes*, includes not only natural persons but businesses, nonprofit organizations, partnerships, associations—pretty much anything other than a government. I think, as written, the bill would include any sort of nonprofit organization or association.

**Assemblywoman Jauregui:**

I am concerned with the adequate shelter component. I would like to see it include foster homes if possible, and ensure that it will only include no-kill sanctuaries. I would not like to see us sending a pet to a kill shelter.

**Senator Goicoechea:**

I am fine with that, but we have to look at the reality of this. The animal would probably go to a county facility and would probably be euthanized. Again, we are looking for options so the animals do not have to go there. Ultimately, being unfortunately blunt, I would assume the county facility, after a certain time, would look at euthanasia.

**Assemblywoman Jauregui:**

Can we direct that if the county can no longer sustain the animal, that they take it to a no-kill sanctuary?

**Senator Goicoechea:**

That is the intent of the bill; offer the animal up to someone else, either a friend or family member or another facility so the county does not have to hold it and incur those costs. I do not know if we want to get into what the county can and cannot do in those events.

**Assemblyman Ellison:**

The bill says, "If a person is lawfully arrested and detained in a county for more than 7 days, and if any animal owned or possessed by the person is impounded by the county after the arrest, the county must notify the person of the impoundment of the animal . . . ." The Legislative Counsel's Digest says, ". . . the board of county commissioners of a county to enact ordinances . . . ." In other words, the ordinance can say that they have to keep the animals up to 30 days or more. Maybe we need a legal interpretation, but the county cannot just go out and sell the animal, is that correct?

**Senator Goicoechea:**

The language that you are citing is existing law. Those ordinances should already be in place if they are maintaining an animal shelter of any kind.

**Assemblyman Ellison:**

We are looking for an amendment that the county cannot sell an animal after so many days. Does this bill take care of that?

**Randy Stephenson:**

As I understand the question, what we are looking at is the existing authority of a board of county commissioners to adopt regulations concerning the control of animals, and prohibiting cruelty to animals. As those provisions are written, it is pretty broad. The counties had, and traditionally do, adopt ordinances to have pounds and ways to control animals. I would think, as this bill is written, it does not necessarily affect any existing law. It does not affect the authority of the county to otherwise regulate by ordinance, other than as provided in the bill. I would think that a county could still adopt ordinances that are otherwise applicable, or even adopt ordinances to carry out the provisions of the act.

**Assemblyman Ellison:**

That is what I thought. If the county has someone in jail for quite a while, they would have to put any personal property up for auction or sale. I think the bill says the county can do that with ordinances they have now. It looks like this gives the county a little more help to strengthen the law that already exists.

I understand what Assemblyman Wheeler is saying, also. If someone has an expensive horse, I would not think the county would sell it.

**Senator Goicoechea:**

This is only intended to enhance and put some sideboards on what the counties can do by ordinance; they have to meet this initial requirement. It would be in statute rather than ordinance that says you have to make sure you give the person who has been incarcerated the chance to offer that pet to a family member or friend to hold the animal. The second option is the county must offer the animal out to another adoption agency that can provide adequate care and shelter for the animal. The third piece of the bill is, if those first two conditions cannot be met or the person wants to maintain the animal, then he must agree that he will have a lien for the care of that animal.

**Randy Stephenson:**

There is nothing that has been stated that is contrary to any provision in the bill, other than the bill does not have any express provisions about adopting ordinances. As Senator Goicoechea pointed out, this is simply something that affects the authority of the board of county commissioners to adopt ordinances.

**Assemblyman Watkins:**

I need to understand a little bit about what is happening now. This looks like it would be a new section to Chapter 171 of the NRS, so is there any state direction to the county commissioners in regards to how to address this issue? If not, do we know if there are any consistencies or inconsistencies with how each of the counties address this situation?

**Senator Goicoechea:**

I am not aware of anything. Having served as county commissioner in the past, I think the ordinance process is pretty open. As far as statute, I would have to refer to legal counsel. I just know that the issue in Nye County was the fact that they were holding some of these animals for a long time. They are viewed as private property and therefore have to be maintained. There was no real mechanism to either lien it and/or offer it up for adoption to another agency. Then the incarcerated person would be released and the county had a maintenance bill against that particular animal. Clearly, in most cases, the person would not have the ability to pay for it, so the county was incurring the debt.

**Vice Chair Cohen:**

Is there anyone here in support of S.B. 371 (R1)?

**Shyanne Schull, Director of Regional Animal Services, Washoe County Regional Animal Services:**

I would like to testify on behalf of Washoe County in support of the amended language. Currently, our process requires that we hold animals for five days. We work these cases on a case-by-case basis. When a person is incarcerated, his animals come into our care. We work with the sheriff's office to either have the owner sign the animal over to us or we try to work out alternative care for the animal. We have worked out situations where dogs have been transported to boarding facilities, and various situations like that. This amendment works well for what we are currently doing in our county, and we support the amended language.

**Vice Chair Cohen:**

How much of your program's time and resources do you think you are spending dealing with this issue?

**Shyanne Schull:**

These cases have many variables, depending on how long someone is incarcerated, how many animals, and the types of animals. In general, I would say they can be labor intensive. We try to work with the sheriff's office to have some conversation with the individual animal owner. We try to work out a resolution with the animal owner. We have had cases where someone was incarcerated for a length of time and we were unable to hold the animal, so we worked out options for the animal care. We will work with boarding facilities, foster care providers, and if the owner is satisfied with that option, then we will certainly allow for that transfer to occur. The ultimate option that we work toward is if the person has a family member or friend who is willing to care for the animal.

**Vice Chair Cohen:**

Just to be clear, when you talk about the amended language, you are talking about the first reprint, correct?

**Shyanne Schull:**

That is correct.

**Vice Chair Cohen:**

Is there anyone else in support? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone neutral? Seeing no one, Senator, would you like to make a closing statement?

**Senator Goicoechea:**

I am not really sure where we are as far as what we are going to need as an amendment from this Committee.

**Vice Chair Cohen:**

I think the Chair would like to speak with you about this. I will have her contact you. I will close the hearing on S.B. 371 (R1) and open the hearing on Senate Bill 270 (1st Reprint).

**Senate Bill 270 (1st Reprint): Revises provisions relating to water. (BDR 48-359)**

**Senator Pete Goicoechea, Senate District No. 19:**

Senate Bill 270 (1st Reprint) is a fairly simple bill. This bill came from the Legislative Commission's Subcommittee to Study Water. The bottom line is that it gives a person ten years to file proofs for an application of vested water rights: any water rights that were filed pre-1905, pre-1913, or for groundwater, pre-1939. A number of basins have to be adjudicated in this state; we are way behind. Approximately 20 percent of our basins are adjudicated. Clearly, we need to move forward with the adjudication process. It is hard to adjudicate a basin if you do not know what is out there and what the claims are. The intent of S.B. 270 (R1) is to start the clock and give claimants of vested water rights ten years to file those proofs. There is nothing that says that the deadline could be pushed back, but we need to start gathering this data, the claims, and the maps have to be filed.

There is one issue that was brought to our attention; that is the deletion in section 3, subsection 2, which says, "Set forth that all claimants to rights in the waters of the stream system are required, as provided . . . ." I think it is our feeling that with the deletion of that, it then becomes a case where the federal agencies would not have the opportunity to file their claims. We may have to reinstate that piece. As we look at the bill now, this requires the filing of anyone who has a claim on a vested water right; it really does not deal with the federal claims—public water reserves—that might be out there.

Again, this starts a ten-year clock, the effective date on the final portion of it is January 1, 2028, which is a long way down the road, but we want to get some of these claims and some of the paperwork started.

**Vice Chair Cohen:**

Is there anyone in neutral?



**Jason King, P.E., State Engineer and Administrator, Office of the State Engineer,  
Division of Water Resources, State Department of Conservation and Natural  
Resources:**

We are here to testify in neutral on S.B. 270 (R1). The purpose of this bill is to establish a sunset date of December 31, 2027, for the filing of claims of pre-statutory water rights, otherwise known as claims of vested rights, with our office. Current law allows claims of vested rights to be filed any time before and during an adjudication of a particular source.

We have approximately 11,000 vested claims filed in our office to date. We believe it is important to get all claims filed in our office in order to know what they are on any particular water source. The reasons for pursuing a sunset date are as follows:

Pursuant to *Nevada Revised Statutes* (NRS) 533.085, vested rights cannot be impaired through the appropriation of subsequent water rights; therefore, our office is required to protect vested claims to water. If our office is not aware of the vested claims, how can we possibly protect them from impairment?

When evaluating whether to approve or deny any application to appropriate water, our office must consider whether there is water available at the source. Without knowing whether there are pre-statutory rights claimed on a given source, we cannot make that determination.

Lastly, since the quantification of vested claims in an adjudication process depends on the review and analysis of historical records and data, the longer those claims remain uncertain, the more difficult it becomes to quantify those uses and priorities. Records can be harder to procure, old-timers with the knowledge of water use are passing away, and a general loss of important information occurs. As a reminder, in terms of our pre-statutory dates, for surface water, it is pre-1905, for artesian groundwater, it is pre-1913, and for percolating groundwater, it is pre-1939. That is how far back we are looking.

Several years ago, our office went around the state and held a series of listening sessions, and this is one of the issues our office brought up in terms of whether people thought it was a good idea to put a sunset date for filing vested claims. Without fail, everyone thought it was a good idea, and the ten-year time frame seemed satisfactory to all.

We do want to get on the record that we do not believe this call for proofs will include the claims of the federal agencies for implied federal reserved rights, which can be quite numerous. Examples of these types of claims include public water reserve claims asserted by the Bureau of Land Management on spring sources; claims by the U.S. Forest Service for instream flow, firefighting, and administrative sites; claims by the U.S. National Park Service; and claims by Indian tribes. Case law provides that those entities do not have to file their claims unless a McCarran Amendment adjudication has been initiated, so those claims might remain outstanding.

While we are neutral on the bill, we are concerned about the elimination of the language in section 3, subsection 2, as it does not recognize the fact that if our office initiates an adjudication on a stream system or of a groundwater basin before or after December 31, 2027, we will still need to notice the federal agencies and call for their proofs. We believe this section will need to be revised. I do not expect you to remember, but last Thursday I testified on Senate Bill 51 (1st Reprint), which is a bill that our office introduced as a modernization of the adjudication language. If Senate Bill 270 (R1) passes, we will need to reconcile the two statutes. Perhaps the sunset provision presented in this bill could simply be incorporated into S.B. 51 (R1) instead of being pursued as a separate bill.

Finally, I want to be perfectly clear that what is being requested here is the filing of all vested claims with our office by December 31, 2027. I think there has been some misunderstanding that we are not talking about adjudicating the entire state, surface water and groundwater, by that date; that would be impossible. We are just asking for those claims to be filed with our office so that once and for all, we know who is claiming what on which sources out there. [Written testimony was also provided ([Exhibit C](#)).]

**Assemblyman Ellison:**

How many claims do you think you will find that are not in compliance? The State Engineer's Office has a massive amount of information that goes back years. What do you think you are going to find? With the records you keep and maintain, do you think there are a lot of mistakes?

**Jason King:**

What do you mean by "compliance?" I will tell you, what we expect to get is anyone who thinks he might have a pre-statutory claim to a beneficial use of water, prior to the dates I mentioned, and has not filed a vested claim. He needs to get it filed in our office. I do not know how many of those there will be. We have 11,000 on file right now. I would like to think that in the year 2017, with the lack of water we have in this state, that most of those pre-statutory beneficial uses have already been filed. I am, though, constantly amazed, when we begin an adjudication, at the number of vested claims that come in. In terms of noncompliance, I will answer by saying this: That is what the adjudication process is all about. When we initiate an adjudication, everyone who believes he has a beneficial use pre-statutory claim will file that claim at the office, and we will go through that entire administrative process to vet the validity of those vested claims. If we find them to be abandoned or not proven, they will be kicked out of the adjudication process and they will never get to the court to be considered in a decree. I do not have a good answer on what that percentage will be.

**Assemblyman Ellison:**

How long do you think it will take to get all of this finished? This is about a lot of people, a lot of rights, and a lot of history.

**Jason King:**

I want to be crystal clear on what we are requiring in this bill. This is just to get those water users to file the claims with our office so they are on record. When we search who has water rights on Cherry Creek, for example, we can see that entities A through Z have filed vested claims. We are looking for someone who thinks they have pre-statutory beneficial use. The hard part is the adjudication process. It is very laborious, requires a lot of fieldwork; there is the administrative process, the judicial process, and it will take decades to adjudicate all the sources in our state. This is the first step to get there.

**Assemblyman Ellison:**

There is no fiscal note, so this will be done through your existing engineers?

**Jason King:**

Yes, over the course of the next ten years, we feel that these vested claims will start to trickle in. Probably the last month of 2027, they will come pouring in. In terms of their being filed in our office, it is a matter of our receiving them, reviewing them, making a file cover, and getting them into a computer database. Then the hard part begins, when we begin the adjudication processes. We believe we will be able to do this work without any fiscal note.

**Vice Chair Cohen:**

We heard Assemblywoman Titus' bill, Assembly Bill 114, regarding irrigation districts. I am wondering, do the irrigation districts have a right?

**Jason King:**

I am not familiar with A.B. 114. Typically, irrigation districts do not. The users in the irrigation district, in many cases, have the decreed rights. The irrigation district will deliver the water to those decreed owners. There are exceptions where irrigation districts can have the rights; they can collate them and deliver via shares to water users. It is a combination of the two, but it has been my experience that typically it is the water users within a district that have the decreed rights.

**Assemblywoman Titus:**

I understand the concept behind the bill—how can you manage the water of Nevada if you do not know what waters are out there and who they are allocated to. I still have some questions. You state that you have 11,000 on record already. Do those people know they are already on record? Do they have to notify you? Does every single person with a vested right have to come and notify you, even though you already have 11,000 of them on file?

**Jason King:**

There are going to be many instances where people have purchased property and they may not know that a vested claim has been filed. Our office knows that. If we were to begin an adjudication on a source, whether it is a surface water source or groundwater, we would find that claim being on that source, and we would contact the owner. If they are not the current owner of record, the noticing requirements in the adjudication process are very significant. They would get notice that we were beginning an adjudication, and we would open the

discussion if they have a claim. They would not have to refile it on the source. For all of those who come forward in the next ten years to file those claims, when we begin adjudication, they are not refiling those claims because now we have a record of them. When we go to adjudicate Cherry Creek, I know that Assemblywoman Titus has a claim on it, I know that Senator Goicoechea has a claim on it, and their heirs will also have a claim.

**Assemblywoman Titus:**

You also mentioned that if someone does not file the information with you, then the claim will be abandoned. One of my concerns regarding that is how do you know to abandon them if you do not know they exist?

**Jason King:**

That is some of the pushback I heard last session. The way it is supposed to work is, when we begin an adjudication, we will have all the claimants on file—if it is after 2027, that is. We will go through our adjudication process. If someone comes forward and says, I believe I have a claim to beneficial use but I did not file it in time, we would say, Where have you been over the past ten years? We have done all the noticing and now you show up in 2030 and want to assert a beneficial use. At that point we would say, It is declared abandoned. I understand why that bothers you, but again, in the state of Nevada, the driest state, we have 11,000 claims.

How many sources of water out there exist with a vested claim on it that we have not heard about? We are going to hear about some, but I do not think there is a tremendous amount. We are going to notice annually for the next ten years—we will put it in our newsletters—and that is our cutoff date.

**Assemblywoman Titus:**

Assembly Bill 114 is regarding bonding for irrigation districts. Along the lines of irrigation districts, I have vested rights that are managed through the irrigation district. That information is on record with the irrigation district. To simplify the process, and since those rights are already on file with multiple irrigation districts throughout Nevada, can the irrigation district bring that information to you so we do not have to repeat the process? It seems an easier reach would be to go to irrigation districts and say, Who do you have claims on? Is there an interface between your office and these multiple irrigation districts?

**Jason King:**

You have vested claims, and—I mean no disrespect—you probably have decreed rights on the Walker River, is that true?

**Assemblywoman Titus:**

I have water rights from pre-1888.

**Jason King:**

They have been decreed, they are not vested claims.

**Assemblywoman Titus:**

I have surface water and storage that date back to 1888.

**Jason King:**

Typically the irrigation districts deliver the decreed water. It has been decreed by a court and that becomes the law. I do not believe that irrigation districts are delivering vested claim water because if they were, we would ask, Under what authority do you have to do that because it has not been decreed? Those decreed rights do not fit within this bill because we are looking for the filing of those vested claims. If you have some vested claims that are not decreed and you have not filed them, this is the bill you need.

**Assemblywoman Krasner:**

You stated when evaluating or adjudicating whether to grant a claim, the State Engineer will take onto consideration whether water is available. What other factors will you take into consideration when you are adjudicating and deciding to grant a claim?

**Senator Goicoechea:**

If it is a vested claim, it is not a decreed water and it is junior to no one if it is a pre-statutory vested claim.

**Assemblywoman Krasner:**

What factors will you take into consideration when you are adjudicating as to whether or not you will grant a claim?

**Jason King:**

The adjudication process is outlined in NRS Chapter 533. A big part of that chapter is dedicated to adjudicating water rights. We announce we are going to adjudicate, and we try to find anyone who might possibly have a claim on the source; we find we have 100 claims on Cherry Creek. They all claim what year they started using it, how much water they use, for what manner of use, and where. We start sifting through all of these claims, by priority. Then we begin a hydrologic survey where we send people out in the field and we start measuring Cherry Creek at different times of the year. This might take three to five years to see what the properties of that creek are; how much does it flow and what is the maximum flow? We come up with what we think Cherry Creek flows and how much water it delivers. Then we look at the validity of all of these claims. Can a user actually show title back to 1893? We go through that entire lineage to see whether it actually holds water. Then we put together a preliminary order of determination. Where we had 100 claims on Cherry Creek, we were able to dismiss 30 of them for a variety of reasons; maybe they are not valid or they cannot show lineage. We end up with a preliminary order of determination of 70 claimants, based on priority and on how much water there is. What is interesting is if we show that Cherry Creek only flows 10 cubic feet per second (cfs), and the 70 claims add up to 100 cfs, we have a problem. That is part of the process. We go through all of those facts, issue the preliminary order of determination and give it all back to the claimant; he throws rocks at it and we revise it; there is a lot of back and forth. Then we finally get to a preliminary order of determination that we give to the court and say, This is what we believe is the pre-statutory

use on Cherry Creek. The court looks at it and, once again, all the claimants can come back in, even the ones who were kicked out, and say, I do not believe this; it is wrong. Finally at the other end, the court will spit out a decree. That is then law, and that is how we distribute the water on Cherry Creek.

**Senator Goicoechea:**

Mr. King stated he has 11,000 claims in hand and he thought that might be the majority. I fear it is half of the claims, and that is what concerns me. We are probably looking at 20,000 to 30,000 claims that will come in, and he will have to sort through them.

In response to Assemblywoman Titus' question, you have the priority dates, but clearly those are decreed or adjudicated waters. The Humboldt, Walker, Carson and Truckee River systems are decreed. The other basins are where we run into the problems. As you establish your chain of title, as you go back, you think you own that first right, but there may be three other people standing in line claiming they own the first right. The other piece of the bill that I think is important is that the State Engineer's Office will, in fact, publish this for four weeks annually to notify people that the deadline is coming.

Regarding Assemblyman Ellison's question about the fiscal note, this is already in place; you can file vested claims any time. We have just put a deadline on this saying you have ten years to get it done.

**Vice Chair Cohen:**

Is there anyone opposed to S.B. 270 (R1)?

**Omar Saucedo, representing Southern Nevada Water Authority:**

I am here today testifying in opposition to S.B. 270 (R1). First, I want to thank all the legislators and stakeholders involved for all the work that was put in during the interim Legislative Commission's Subcommittee to Study Water. I also want to thank Senator Goicoechea and Jason King for being willing to have the difficult discussions during the interim on water and water policy for the state. It is because of those discussions that we are bringing very good quality bills this session. We are happy to support many of those bills; we are just not sure this one has the appropriate aim.

The Southern Nevada Water Authority has concerns with the bill and the proposed policy. This bill requires proof of claims to vested water rights must be submitted to the State Engineer on or before December 31, 2027. There is a potential question whether this is constitutional. Vested water claims are pre-statutory water rights and a property right. Extinguishing those rights based on an arbitrary date could be considered a taking. Whether this amounts to a taking is a question for the Committee, but we felt it was appropriate to point out the potential legal challenges that may be involved with the bill.

Also, we believe that the most effective way to accomplish the goals and policy set forth in the bill is to provide the State Engineer more staff. The real issue in accounting for vested rights is not caused by the claimants filing proof, it is caused by the lack of staff in the State Engineer's Office to process adjudications. Even if everyone in the state filed their claims by the deadline, it would probably be decades before the State Engineer did an adjudication, leaving the state no closer to the stated goal of improving accountability. For those reasons, we are here in opposition to this bill.

**Mike L. Baughman, Executive Director, Humboldt River Basin Water Authority:**

I was in another meeting, and I understand you have already taken comments in support. I am here to testify in support. On February 27, 2017, our board of directors took action to support S.B. 270 (R1). We have actually retained the Nevada Water Resources Association to undertake an educational program in our area to encourage potential vested claim holders to file their claims. As a result of that, we had a big bump in filings. We think it is very important to encourage folks who have these claims to file them. The State Engineer, as a matter of policy, has indicated that he will hold water back in basins to protect these claims and to ensure that the water is not lost. We are all about protecting existing valid claims and if those claims are not on record with the State Engineer, it is very hard for him to protect them. Our basin has a group of 34 groundwater basins; a high percentage of those basins are overappropriated already. Getting these claims filed in a timely manner will allow for all the water in those basins to be effectively managed. So the Humboldt River Basin Water Authority clearly supports S.B. 270 (R1).

**Vice Chair Cohen:**

Is there anyone else in opposition? [There was no one.] Senator, any final comments?

**Senator Goicoechea:**

I think there is some disagreement as to whether putting the ten-year deadline in place extinguishes any vested claim, as Mr. Saucedo stated. I think that will probably take a court ruling at some point. It is a pre-statutory right, and I do not know if we can extinguish it, but the intent of the bill is to start the process. Again, it takes 50 years to adjudicate a basin, we are so far out, but if we do not get the data in place, we can never start.

**Vice Chair Cohen:**

I will close the hearing on S.B. 270 (R1).

[Assemblywoman Swank assumed the Chair.]

**Chair Swank:**

I will open the hearing on Senate Bill 75 (1st Reprint).

**Senate Bill 75 (1st Reprint): Makes various changes relating to the Department of Wildlife. (BDR 45-139)**

**Tony Wasley, Director, Department of Wildlife:**

The primary purpose of Senate Bill 75 (1st Reprint) is to protect individuals who have a desire to report potentially dangerous wildlife or wildlife circumstances. We have heard several times in the past few years from parties around the state who have been reluctant to contact the Department for fear their personal information and address could be revealed through a public records request. For example, let us say in southern Nevada a neighbor puts food out for coyotes, attracting coyotes into an urban setting; or in northeastern Nevada, an individual is feeding mule deer, perhaps causing deer to frequent a roadway or putting children in harm. In the Tahoe Basin, relative to bears, we have had several individuals tell us that they postponed calling for fear of retaliation from their neighbors, because we are required to share that report.

The first reprint of S.B. 75 (R1) does two things. Section 1 and section 6 of the bill specifically make confidential any information concerning a person who has requested assistance from the Department or has reported any information to the Department concerning any wildlife causing a nuisance or any potentially dangerous wildlife. Public safety issues may arise when reporting parties postpone calling the Department to report nuisance or potentially dangerous wildlife. Postponement occurs due to fears that personal information may be released as the result of a public records request. The Department wants to protect personal information of reporting parties and encourage people to call us so we can effectively intervene. We are trying to eliminate public safety issues and possible harassment of reporting parties. This bill will help us fulfill our mission of upholding the law and keeping both people and animals safe.

Section 2, subsections 4 and 5; section 4; and section 7, subsections 2 and 3, all relate to certain reports the Department is required to submit to various entities. Rather than submitting a hard copy report, the Department would instead post the report on our website still abiding by the deadlines and specific information requirements. This will reduce paper and be more efficient. However, this is secondary to the aforementioned confidentiality aspect. There were a couple of other pieces that have since been amended out.

**Chair Swank:**

When a person requests assistance, what does that encompass as far as remaining confidential?

**Tony Wasley:**

That assistance could come in many forms. Presently, there is a law prohibiting wildlife feeding, so it could be assistance that would be nothing more than contacting an individual and either informing them of the law, or with repeat violations, issuing a citation. Historically, our Department has provided small animal traps for raccoons or skunks, et cetera. In the Tahoe Basin, this may culminate in the mobilization of a culvert trap for aversion conditioning of an animal or relocation of an animal.

**Chair Swank:**

Is there anyone here in support? [There was no one.] Is there anyone in opposition?



**Barry Smith, Executive Director, Nevada Press Association:**

I appreciate the intent of this bill and certainly do not think anyone should be put in harm's way; I just think the language is extremely broad. It states "any information" and any person requesting assistance—this goes beyond what information would be available for a crime involving a human. I think there are other alternatives where this could be addressed without such a broad provision in statute.

**Assemblywoman Titus:**

If someone dials 911 for assistance with a wild animal, that is public information at some point, correct?

**Barry Smith:**

Yes, it is.

**Assemblywoman Titus:**

How would they be able to sift that out and not allow it to be public information? Will that be eliminated, that the press cannot access 911 calls if it involves a wild animal?

**Barry Smith:**

That reflects my concern of the broad language.

**Tony Wasley:**

This bill does not pertain and certainly is not intended to pertain to 911 calls. The language, as we read it in section 1 states, "Any information obtained by the Department or any agent of the Department concerning a person who has requested assistance from the Department . . . ." This is concerning that person, his name and address information related to nuisance or urban wildlife. I can tell you what it is intended to cover and why. Some of the examples I provided were where we had individuals who were knowingly, willfully attracting wildlife. In many instances, neighbors have avoided calling, because people have submitted public record requests to the Department. We would still be able to say we received a request for assistance. When they say, I want to know who turned me in, I want to know who called; we would have the ability to say we are not at liberty to disclose which neighbors reported. This is because those individuals are going directly to those homes protesting, cyberbullying, et cetera.

**Chair Swank:**

Is there anyone else in opposition? [There was no one.] Is there anyone in neutral? Seeing no one, Mr. Wasley do you have any closing comments?

**Tony Wasley:**

This bill is not intended to limit transparency of government—who we are or what we do in any way. This is intended to help us fulfil our statutory charge in keeping both animals and people safe. When we hear, on a relatively frequent basis, that people are knowingly postponing contacting the Department for fear of retaliation or retribution from others in their community, we think that presents a problem.

**Chair Swank:**

With that, I will close the hearing on Senate Bill 75 (R1). I will open the hearing on Senate Bill 411 (1st Reprint).

**Senate Bill 411 (1st Reprint): Revises provisions governing cruelty to animals. (BDR 50-11)**

**Senator Mark A. Manendo, Senate District No. 21:**

Thank you for hearing Senate Bill 411 (1st Reprint). This bill will help the management of feral cats throughout our great state. You may be asking yourself why we need this bill to accomplish this. We have multiple nonprofit organizations that, at no cost to the taxpayer, trap, neuter, and return (TNR) feral cats. With our amendment, this bill does one thing: it places in the *Nevada Revised Statutes* (NRS) that a TNR feral cat, when released, is not considered abandoned per existing statute. This bill is important because shelters all over Nevada struggle in their efforts to adopt out as many animals as possible, which I appreciate, many allowing communities to implement TNR programs. You are providing municipal shelters all over the state the ability to attract additional private resources. An example of this is in Washoe County. Over a decade ago, a concentrated effort was made to sterilize as many cats as possible by Washoe County community residents with the support of nonprofit assistance. In 2006, the number of cats that lost their lives at Washoe County Regional Animal Services was 2,699, versus last year's number, which was 171. That is very impressive.

It costs an average of \$50 to trap, neuter, vaccinate, and release a feral cat. For a shelter to accept a feral cat, hold it for the required mandated period, euthanize it, and dispose of its body, that is an average cost to taxpayers of \$250. If Washoe County were still euthanizing cats at the 2006 rate, their annual budget would need an additional \$632,000 every year.

Additionally, by educating the community, the rate at which people surrender cats in Washoe County has dropped by 30 percent. The Nevada Humane Society will be providing statistics to you which will support the positive impact of the TNR, in support of S.B. 411 (R1). I would like to also commend my colleague, Senator Ratti, who worked with us on this piece of legislation; we appreciate that. At the end of the day, your support for this bill will mean fewer cats will come into Nevada shelters, fewer cats will die in Nevada shelters, and there will be measurable cost savings to the taxpayer. I have two star-studded witnesses here to walk through the bill.

**Amanda Brazeau, representing Nevada Humane Society:**

I am going to walk you through the changes in the first reprint of S.B. 411 (R1) as it came out of the Senate. To testify and provide specifics about the program is Kiska Icard, Chief Executive Officer of the Nevada Humane Society.

In this first reprint of S.B. 411 (R1), sections 1 through 5 of the original bill have been deleted, except for section 5, subsection 1, paragraph (f), which has been amended to provide the exemption and definition of "feral cat."

Currently, existing law prohibits a person from engaging in cruelty to animals, which includes abandonment. In section 1 of the bill, we are requesting an exemption to the abandonment provision of NRS 574.110 as it relates to a feral cat that has been spayed or neutered, and vaccinated, that it shall not be considered abandoned if released.

Section 6 of this bill states that this act becomes law upon passage and approval.

**Kiska Icard, Chief Executive Officer, Nevada Humane Society:**

I am a certified animal welfare administrator. I have 20 years of professional experience in animal welfare. I am here to speak to you today on behalf of Nevada Humane Society, our Board of Directors, and our nearly 75,000 supporters. I have a brief presentation that I hope will take less than five minutes and I am open to any questions that you have along the way ([Exhibit D](#)).

Nevada Humane Society provides animal sheltering in Washoe County, in partnership with Washoe County Regional Animal Services. Additionally, we hold the animal control and sheltering contract for Carson City.

The first page of my presentation shows a picture of a cat with a tipped ear. That is how you know that the cat has already been sterilized. When we sterilize a cat, we also tip its ear so that, just by looking at him, you know he has already been sterilized and vaccinated and that nothing else needs to happen ([Exhibit D](#)).

Trap, neuter, and return provides a positive community benefit. Even if you do not care about cats, this is why you should care about TNR: TNR is the only management program to reduce feral cat community populations. In 2006, Washoe County's cat save rate was 50 percent. A community's save rate is essentially how many animals come into your shelter alive and how many leave alive. In 2007, countywide, 8,100 cats were taken in between the Washoe County Regional Animal Services and Nevada Humane Society. Last year that number was 5,600. Imagine if every single year we had an additional 2,500 cats coming to us. Our shelter resources would be thinner, and fewer animals would be helped. Which brings us to Carson City. Prior to 2014, Carson City Animal Services was a pretty sad place where nearly half the animals lost their lives. Nevada Humane Society collaborated with Carson City, beginning in 2014, to provide animal control and sheltering services. Overnight the save rate rocketed from 55 percent to 95 percent. This accomplishment is directly attributable to Nevada Humane Society's previous investment to reduce the unwanted cat population in Reno, which gave us increased capacity. It is also not coincidental that our contract with Carson City is \$35,000 less than what the City was spending previously to save half as many lives. Let that sink it; the save rate almost doubled and we are actually saving the citizens of Carson City money.

The TNR also provides a positive economic benefit [page 2, ([Exhibit D](#))]. Dead cats only need to be buried. Cats that are alive need to be sterilized, vaccinated, and fed. This creates a positive economic ripple effect. Most feral cat caretakers provide their own supplies. This means there is a lot of money spent at pet supply stores and local grocers, and possibly the

occasional trips to the veterinarian. Florida's Society for the Prevention of Cruelty to Animals published a report about a no-kill animal shelter's community economic impact. They demonstrated for every dollar raised by a no-kill shelter, \$1.70 was raised within the community in positive revenue every year.

Another benefit is poison-free pest control. We have many farmers and ranchers who have embraced having a working cat on their property. Nevada Humane Society and Washoe County Regional Animal Services accept over 5,000 cats annually. For feral cats who cannot return to their original location, we adopt them out as working cats. Our average length of stay for all our cats, feral or not, is just ten days.

The American Veterinary Medical Association (AVMA) supports TNR and specifically, this is currently listed on their website: "AVMA encourages the use of non-lethal strategies as the initial focus for control of free-roaming abandoned and feral cat populations. Public, private, and not-for-profit humane organizations and individuals must make every effort to promote adoption of acceptable unowned cats and implement sterilization programs."

Trap, neuter, and return also decreases an animal's suffering [page 4, ([Exhibit D](#))]. The thoughtful Senator Manendo stated that ten years ago, nearly 2,500 more cats died every year in our shelters. Imagine what this does to the psyche of shelter workers. Euthanasia must be reserved to eliminate suffering, not to end the lives of healthy cats. Feral cats coming to us that are too injured or sick to be released are the animals that euthanasia is appropriate for.

Trap, neuter, and return also allows for feral kittens to be sterilized and adopted. When a community trusts their animal shelter, they will give the Nevada Humane Society the kittens that are born to feral moms, allowing us to place them in foster homes. We have hundreds of foster parents lined up to take in and socialize these kittens, ensuring each of the kittens have their own homes and are sterilized, thus having fewer cats in the community.

All of our life-saving programs work in concert. We approach animal homelessness from a holistic standpoint, finding the right outcome for each animal. Nevada Humane Society's TNR numbers are actually relatively small. Of the 5,000 cats that were taken between the Washoe County Regional Animal Services and the Nevada Humane Society last year, only 160 were trapped, neutered, and returned. That is 3 percent. We are talking about a very small population of cats that get TNR when we all work together.

Trap, neuter, and return also helps tame lost cats. Feral cat caretakers know the cats they look after. When a new cat appears in a feral colony, many times they are someone's pet; they are friendly and tame. If the feral cat community trusts their local shelters to find homes for these cats, they will file found reports and are very effective in identifying lost cats.

I am very proud to boast that Carson City has a 20 percent redemption rate for cats, which is 10 times the national average.

Page 5 ([Exhibit D](#)) is a graph that demonstrates our intake and our death rates between Washoe County Regional Animal Services and the Nevada Humane Society. You can see that around 2009, when the economic downturn happened, there was a drop in population for both cats and dogs. This is also around the time that we started to do a lot of TNR. You can see how it starts to tick back up for dogs, as the economic recovery happens—more people are moving into the area—but you can see how the cat intake rate continues to drop. You can see that also for the cat death rate.

Trap, neuter, and return costs the taxpayers nothing. Perhaps I should have started my presentation with this. The program is paid for by grants and individuals. As a cornerstone program of no-kill, TNR program grants are readily available. Nevada Humane Society recently secured a \$35,000 grant for TNR in Carson City, providing funding for hundreds of feral cats to be sterilized and vaccinated.

Donors want to fund lifesaving. People want to know they are saving lives. That is why TNR grants are prioritized by animal welfare organizations. The number of homeless cats coming into shelters can be measured. The intake rates before and after TNR can be measured and they all point to fewer cats coming into shelters when you have community-based TNR activities. Donors want their investments to grow and to be sustainable, which is why they are so attracted to funding TNR programs. It is near impossible to convince people to give us money to kill healthy animals.

Lastly, TNR groups did not put the cats there. We are attempting to address the root of the problem. We ensure these cats cannot reproduce, are vaccinated, and are thriving. We must distinguish TNR activities from the actions of people who no longer want their animals and leave them without any means to help themselves.

Thank you for your time and attention. I know this is a complex issue. We at the Nevada Humane Society are available to you as a resource. We have a beautiful new shelter in Carson City, just a few miles away. If any of you could use some animal therapy, come see us.

**Assemblywoman Carlton:**

I think we already do this in Clark County. There are a couple of feral cat colonies on Sunrise Mountain, and I believe we already do the TNR.

**Kiska Icard:**

My understanding is that this is taking place in Clark County. This bill allows for TNR programs to take place so that a municipality does not take the stance that this is considered animal abandonment. That is why we feel it is important for this exemption. We are starting to take a lot of animals from southern Nevada, and we also feel it is important to empower each community to be able to have a TNR program.

**Assemblywoman Carlton:**

Is Clark County breaking the law by doing this? I know they are following their own ordinance, but is their ordinance contradictory to statute?

**Senator Manendo:**

I think Clark County probably is breaking the law. That is why we need this statute. Folks are trying to do the right thing and do not want to be breaking the law. That is the need for this legislation.

**Assemblywoman Carlton:**

Was the statute in place when Clark County started the program? I have no problem with what you are trying to do, it just seems odd to me that Clark County has been doing this for a very long time. I remember finding a kitten, and we ended up adopting that cat out to a friend. That cat just passed away at eight or nine years old, so Clark County has been doing this for at least that long.

**Senator Manendo:**

Abandonment is against the law.

**Assemblywoman Carlton:**

So returning is now considered abandonment, even though there was never any true ownership of the animal?

**Senator Manendo:**

That is correct.

**Mendy Elliott, representing Nevada Humane Society:**

The way Washoe County was able to work around the statute is that we created a managed program for the feral cat, working with Washoe County. However, our managed program has been questioned as to whether we are still not breaking the current statute based on abandonment laws; therefore, the very simple bill that is before you today. We created a work-around in Washoe County that is not perfect. Frankly, we determined that it is better not to have a work-around, and to actually have something in statute, especially as we are requesting funding from entities, so that they are confident that the funding can be utilized for the TNR program.

**Assemblywoman Carlton:**

I guess my confusion is, if you do not own it, you cannot abandon it. It is a wild cat that is receiving treatment, it has not been owned by anyone, there is no license or tag. You cannot abandon something that you do not own.

**Assemblyman Ellison:**

The problem we had last session is, feral cats would be caught, neutered, and taken back to where they were. The people who were calling the animal shelters were calling because of the cats. They were trying to get rid of them, so the people took them to the pound. I found

ranchers that would take them, but you would not believe the trouble I had to go through to get them taken out to ranches to people who wanted them. I had to put them under my name, adopt them, and then take them out to the ranches because the city would not let me take them out there. The people were furious that these cats were going to be neutered and returned. It was a nuisance problem. Maybe this could be amended so that the cat does not have to go back to the same place. This was a big problem in Elko.

**Kiska Icard:**

It is very important for anyone who manages a TNR program to take a holistic standpoint, because we do not want these animals to be killed. When we have nuisance complaints, we try to figure out what is going on and what resource is attracting the cats. Even if we relocated the cats, if they have not taken care of whatever the magnet is, the cats will return. When someone says he has a nuisance issue, we work with him to either bring down the population or as a last resort to remove the cats and bring them in as barn cats. Again, by working with them to take care of whatever the resource is and if they allow us to TNR the animals, they will see their populations diminish. I can cite studies where with trap, roundup and kill, you actually see the populations increase. Just removing the cats does not help take care of the problem. Also, Assemblyman Ellison, thank you for adopting those cats and taking them to the ranchers. You see the work-arounds that a lot of us have to do because of these laws.

**Assemblyman Ellison:**

If you release some of the restrictions on adoptions, there are a lot of ranchers who will take the cats.

**Kiska Icard:**

We are a private organization, and we all have our own policies. That is something that you should hold your animal shelters accountable for. How many animals are making it out of the door alive? If your adoption policies are too restrictive, then you are not going to accomplish your mission. I will tell you, at Nevada Humane Society, you walk in with some identification and say you want a feral cat, you are walking out with a feral cat.

**Chair Swank:**

I think that cats are extremely different from dogs. One of the challenges we have with feral cat populations is that cats have not been domesticated as long as dogs have, and couple that with the idea that kittens need to be handled by humans by six weeks of age or they will be feral for the rest of their lives. Cats leave homes, they wander off—that is just the nature of cats. Even if you cleared out an entire town of feral cats, within a couple of years, they will all be back. I think we need to start thinking that we need a multi-pronged management of feral cats in order to keep their numbers down. When I lived in a village in India, we had a massive problem with very friendly, well-fed feral dogs running around the town. Every couple of years there would be a group of veterinarians from Europe who would give every person who brought in a dog five rupees, and they would spay or neuter and paint the dog.

Within a couple of years, we did not have much of a feral dog problem. It did mean that every three years, they came back, like clockwork, during the 15 years that I was doing research there. I think there is never going to be a short fix, and it is an ongoing management issue, because we are going to have feral cats forever.

**Kiska Icard:**

You are absolutely right. The community has to have trust that they can use us as a resource, and they will bring the cats to us. Unless cats are inevitably suffering, we will find positive outcomes for them.

**Assemblywoman Cohen:**

When is it okay to assume a cat is feral and that you can trap, neuter, and return it? How do you know it is not someone's pet?

**Kiska Icard:**

Any animal that is brought to us without identification is held during the stray period. If someone comes forward and claims the animal, they can take it. During the time they are being held in the shelter, we can do an evaluation and assessment. Feral cats are very different from domestic cats. They avoid human contact at all costs. It is a much different scenario for dogs. We have about a 50 percent reclaim rate for dogs, and 20 percent for cats. People do not look for cats the same way. If your dog goes missing, you are going to start looking and putting out signs. Many people do not even start looking for their cats until the hold period is over. We certainly give people time to claim their cats. If not, we make sure there is someone in the neighborhood who will keep an eye out for the cat. If they are tame, they are put up for adoption.

**Assemblywoman Cohen:**

If a person finds a cat on his own and thinks it is feral and is going to neuter, vaccinate and then release it, is it okay for him to do that?

**Kiska Icard:**

We have a free feral cat clinic. We actually do not take possession of the animals. If someone has been feeding the cats and sees a new cat, we will scan it to ensure it is not microchipped. Usually the people who are caring for feral cats, when they see a new cat come into heat, they will utilize our spay/neuter clinic, and they themselves will do the trapping and the return. We do about 2,500 surgeries that way each year.

**Assemblywoman Cohen:**

Just in case any of our constituents ask us, when is it okay for a private citizen to trap, neuter, and return a cat?

**Senator Manendo:**

I believe that would be covered in this bill, but I would refer to legal counsel for that.



**Randy Stephenson, Committee Counsel:**

First, regarding the issue of whether a municipality is in violation of these provisions: once again, the term "person" typically does not include a government entity in NRS. I would think you could make a pretty good argument saying that Clark County is not a person for purposes of this section.

I am not sure if I understood Assemblywoman Cohen's question.

**Senator Manendo:**

I do not know if it is the municipality itself, but it is the shelter that resides in Clark County. There may be some ambiguity there.

**Randy Stephenson:**

I think that is a very good point. Also, you have to own property before you can abandon property. We have the existing provisions in NRS about the board of county commissioners being able to adopt ordinances concerning regulating animals. That is actually under prohibiting cruelty to animals. There may be some overlap there. It is not entirely clear, but I would say, initially, the word "person" does not include the government but may include a nonprofit organization. It does include what we call "non-natural persons."

**Assemblyman Wheeler:**

I was out of the country in Tahiti a few years ago. They had a big rat problem, so they imported feral cats. They bred so much that they imported feral dogs. Now the island is completely overrun with dogs. This way is preferable.

**Chair Swank:**

I will move on to anyone who wishes to testify in support of S.B. 411 (R1).

**Shyanne Schull, Director of Regional Animal Services, Washoe County Regional Animal Services:**

We have been participating in a TNR program in Washoe County for a number of years, and we have seen the benefit of that program over a ten-year period. In 2015, the Washoe County Board of County Commissioners supported this program by codifying a managed TNR program in our county, which we currently partner with Nevada Humane Society to facilitate. It works very well. I think that this bill adds an additional tool for this progressive program, and we are in support.

**Chair Swank:**

Is there anyone else in support? [There was no one.] Is there anyone in opposition?

**John Potash, Private Citizen, Reno, Nevada:**

I am speaking today in opposition to S.B. 411 (R1). My opposition is coming from my love of wildlife. I founded and ran the Wildlife Rescue Foundation for 13 years and have worked with wildlife in various capacities for over 25 years. I am not a cat hater and I am not anti-cats. In fact, there has never been a time in my life that I did not have a cat.

However, the existing law is one that just makes sense, not only to protect dogs and cats from the cruelty of being placed into the unforgiving environment, but also to help protect native wildlife. Cats are extremely efficient predators that are able to adapt to a wide variety of situations, especially in their feral or wild state.

The bottom line is that feral cats are one of the most significant banes of native wildlife next to people. Others have submitted exhibits that highlight the considerable damage feral cats do to native wildlife ([Exhibit E](#) and [Exhibit F](#)).

There are significant laws controlling people's involvement with wildlife. If I were caught killing a goldfinch or taking a baby kestrel out of the nest, I would face state and federal charges. Do we really want to allow people to release invasive predators to go do the same thing, over and over again, unregulated and unchecked? Do we want to make it okay to capture these cats, make them healthier, stronger, and even more efficient predators, then set them back out in the wild so they can continue this destruction?

As upsetting as the numbers of euthanized cats are, it is a tiny fraction of the number of wild animals that die at the paws of these feral cats. Once a cat is trapped, it should not be released to continue destroying and killing native wildlife. What do we do with them? I am not sure. Perhaps an alternative is in furthering the working cat program, or some of the proponents can use some of their millions of dollars from their budgets to buy small, remote parcels of land, fence it in, create some structures, such as barns, and let the cats live out their lives where the damage to wildlife is contained and minimal. I definitely would like to see more educational campaigns to end the perpetuation of this.

By voting for this bill, it seems as though you are saying that the lives of these feral cats are more important than the lives of the native wildlife that actually belong in the wilds of Nevada. Yesterday was Nevada Wildlife Day here at the Legislature. Please do not vote to make today "Let's allow feral invasive predators to kill Nevada wildlife day."

**Chair Swank:**

Is there anyone else in opposition? [There was no one.] Is there anyone who would like to testify in neutral?

**Jennifer Newmark, Administrator, Wildlife Diversity Division, Department of Wildlife:**

As many of you know, the Department of Wildlife (NDOW) has statutory responsibility for managing more than 890 species of native wildlife. While the Department is neutral on the bill, we do have concerns with the effects that feral cats have on wildlife in the realm of predation and disease transmission. Feral cats are not native to the Nevada ecosystem and are prolific predators of native birds, mammals, and reptiles. A recent peer-reviewed study in 2013 showed that nationwide, feral cats were responsible for an estimated 1.4 to 3.7 billion bird deaths and more than 6.9 billion mammal deaths. Other studies have demonstrated that supplemental feeding is not effective at stopping predation of native animals as feral cats hunt instinctually.

Feral cats may also be a source of disease transmission for wildlife, such as toxoplasmosis and avian flu. They may be reservoirs for parasites such as roundworms and hookworms, both of which are harmful to native animals. Feral cats released in areas that are known breeding sites for native wildlife such as river and riparian corridors, public lands and parks, and wildlife management areas could impact our native species.

The Wildlife Society, the Society for Conservation Biology, the Association of Fish and Wildlife Agencies, and the People for the Ethical Treatment of Animals have all expressed significant concerns about feral cats, both from a wildlife impact perspective as well as for the health and well-being of those cats. While we understand the underlying intentions of this legislation, NDOW's responsibility is public trust for native species, now and for future generations.

**Chair Swank:**

I am going to classify this as opposition; it does not sound as if it is in support. I would also say that at this point feral cats probably are native, much like the wild horses we have in Nevada. I think this is something we are going to have to deal with going forward, and we need to have some plans in place for that. Are there any closing remarks?

**Mendy Elliott:**

Senator Manendo handed me a piece of paper. He says that he is really tired of the argument that feral cats are killing birds; yet, it is okay that ravens, magpies, and even hawks are poisoned to protect the sage grouse. One more thing: all this bill does is change language so TNR programs, when releasing the cats back, are not abandoning property. Let us not get off on the wrong track; this is not about how feral cat colonies or programs are managed. This is about abandoned property, nothing more, and allowing nonprofit organizations to continue to do the good work they do every day without the support of taxpayer dollars.

**Chair Swank:**

I will close the hearing on S.B. 411 (R1). (Also received but not mentioned is ([Exhibit G](#).) I will move to a work session. We have two bills today. We will begin with Senate Bill 43.

**Senate Bill 43: Revises the membership of the Nevada State Board on Geographic Names. (BDR 26-127)**

**Susan E. Scholley, Committee Policy Analyst:**

Senate Bill 43 was sponsored by the Senate Committee on Natural Resources on behalf of the Division of State Library, Archives and Public Records of the Department of Administration. It was heard in this Committee on March 28, 2017. This bill adds a representative from the United States National Park Service to the Nevada State Board on Geographic Names. No amendments were submitted and this measure did pass unanimously in the Senate ([Exhibit H](#)).

**Chair Swank:**

I will entertain a motion on S.B. 43 to do pass.

ASSEMBLYWOMAN COHEN MOVED TO DO PASS SENATE BILL 43.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Is there any discussion? Seeing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

I will give the floor statement to Assemblywoman Cohen.

**Assemblyman Ellison:**

I would like to reserve my right to change my vote on the floor.

**Chair Swank:**

Thank you, Assemblyman Ellison, you do not need to put that on the record. If you are going to change your vote, you can just let me and the bill's sponsor know. I will move on to Senate Joint Resolution 13.

**Senate Joint Resolution 13: Expresses the support of the Nevada Legislature for certain recommendations relating to the conservation of wildlife in this State. (BDR R-1000)**

**Susan E. Scholley, Committee Policy Analyst:**

Senate Joint Resolution 13 is sponsored by the Senate Committee on Natural Resources. It was heard in this Committee on April 27, 2017. The resolution expresses the support of the Nevada Legislature for a recommendation to Congress from the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources that \$1.3 billion be dedicated annually from revenues derived from the development of energy and mineral resources on federal lands to support funding for the management of wildlife. There were no amendments proposed at the hearing, and the measure passed unanimously in the Senate ([Exhibit I](#)).

**Chair Swank:**

I will entertain a motion to do pass S.J.R. 13.

ASSEMBLYWOMAN COHEN MADE A MOTION TO DO PASS  
SENATE JOINT RESOLUTION 13.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Any discussion on the motion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND KRASNER  
VOTED NO.)

I will assign the floor statement to Assemblyman Watkins. With that, I will open the hearing  
up for public comment. Seeing no one, we are adjourned [at 3:26 p.m.].

RESPECTFULLY SUBMITTED:

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Nancy Davis  
Committee Secretary

APPROVED BY:

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Assemblywoman Heidi Swank, Chair

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony dated May 4, 2017, regarding [Senate Bill 270 \(1st Reprint\)](#), presented by Jason King, State Engineer and Administrator, Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources.

[Exhibit D](#) is a copy of a PowerPoint presentation titled "Nevada Humane Society Support SB411" dated April 12, 2017, presented by Kiska Icard, Chief Executive Officer, Nevada Humane Society.

[Exhibit E](#) is a letter dated May 7, 2017, addressed to Chairwoman Swank and Assembly Natural Resources Committee, in opposition to [Senate Bill 411 \(1st Reprint\)](#), written by Karen Boeger, representing Nevada Chapter Backcountry Hunters & Anglers; and Coalition for Nevada's Wildlife.

[Exhibit F](#) is a letter addressed to Chairman Swank and members of the Assembly Natural Resources Committee in opposition to [Senate Bill 411 \(1st Reprint\)](#), written by Tina Nappe, Private Citizen, Reno, Nevada.

[Exhibit G](#) is a letter addressed to Assemblywoman Swank, Chair; Assemblywoman Cohen, Vice Chair; Assembly Natural Resources, Agriculture, and Mining, dated May 8, 2017, in support of [Senate Bill 411 \(1st Reprint\)](#), written by Nicki Aaker, Director, Carson City Health and Human Services.

[Exhibit H](#) is the Work Session Document for [Senate Bill 43](#), dated May 9, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Senate Joint Resolution 13](#), dated May 9, 2017, presented by Susan E. Scholley, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.