

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

**Seventy-fifth Session  
April 7, 2009**

The Senate Committee on Natural Resources was called to order by Chair David R. Parks at 3:43 p.m. on Tuesday, April 7, 2009, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator David R. Parks, Chair  
Senator Allison Copening, Vice Chair  
Senator Bob Coffin  
Senator Bernice Mathews  
Senator Dean A. Rhoads  
Senator Mark E. Amodei  
Senator Dennis Nolan

**GUEST LEGISLATORS PRESENT:**

Senator Shirley A. Breeden, Clark County Senatorial District No. 5  
Senator Barbara K. Cegavske, Clark County Senatorial District No. 8  
Senator Michael A. Schneider, Clark County Senatorial District No. 11

**STAFF MEMBERS PRESENT:**

Randy Stephenson, Committee Counsel  
Michelle Van Geel, Committee Policy Analyst  
Shirley Parks, Committee Secretary

**OTHERS PRESENT:**

Charity Stevens, Phoenix Recycling  
Kelly Sockwell, Phoenix Recycling  
John Pappageorge, Republic Services

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Leo M. Drozdoff, P.E., Administrator, Division of Environmental Protection,  
State Department of Conservation and Natural Resources  
Kyle Davis, Policy Director, Nevada Conservation League  
Joe Johnson, Sierra Club  
Karen Layne, Las Vegas Valley Humane Society  
Gina Greisen  
Harold Vosko  
Dr. Phil La Russa, State Veterinarian, Division of Animal Industry, State  
Department of Agriculture  
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation  
Dennis R. Wilson, D.V.M., President, Nevada Veterinary Medical Association  
Chris Vaught  
Carol Infranca  
Barbara Kubichka, Save R NV Animals  
Sheryl Scott  
Candy Roper, President, Bonanza Kennel Club  
Don Moradian, Bonanza Kennel Club  
Jill Christensen  
David Fritsche, President, German Shepherd Dog Club of Reno and America  
Ed Guthrie, Executive Director, Opportunity Village  
Brian Patchett, President and CEO, Easter Seals of Southern Nevada  
Jim Lawrence, Administrator and State Land Registrar, Division of State Lands,  
State Department of Conservation and Natural Resources

CHAIR PARKS:

There are three bills on the agenda and a work session scheduled for today's meeting. I will open the hearing on Senate Bill (S.B.) 186.

[SENATE BILL 186](#): Provides for the issuance of permits for the operation of motor vehicle tire recycling centers. (BDR 40-739)

SENATOR COPENING:

Senate Bill 186 concerns the regulation of tire recycling. I have prepared a handout of my testimony and the proposed amendment mock-up to S.B. 186 (Exhibit C, original is on file in the Research Library). Clark County is preparing to open its first tire recycling facility in June. I introduced this bill for two reasons. First, to ensure that this and any future facility is properly regulated; and second, to get Nevada moving in a more sustainable direction through the recycling of waste tires.

I would like to acknowledge a handful of stakeholders that worked with me on this bill including Phoenix Industries, a company in the process of building a tire recycling facility in Clark County; Republic Services; Nevada Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources and the Clark County Health District.

Senate Bill 186, in its proposed amended form, is intended to require the health district in Clark County to regulate waste-tire recycling centers in Clark County. The bill will also allow the State Environmental Commission, State Department of Conservation and Natural Resources or the health district of any other county to regulate waste-tire recycling centers in that county.

To summarize S.B. 186, the only entities that would be required to dispose of its tires at a permitted facility for the management of waste tires are retail sellers of new tires and wholesale sellers of new tires. This bill would not apply to the average consumer that may discard a few tires a year or a business that may deal in discarded, end-of-life automobiles, for example. This new process of recycling tires should be easily accomplished as these retailers currently haul their tires to the landfill as part of their daily business practices. This bill would divert the tires from the landfill to a tire recycling facility. If the business is already recycling its tires at another facility outside the county, this bill would not prohibit that business from continuing in that manner.

Even with current recycling efforts, according to the U.S. Environmental Protection Agency, almost one-quarter of scrap tires end up in landfills each year. Tires in landfills cause problems because of their uneven settling and tendency to rise to the surface, which can harm landfill covers. To minimize such problems, many states require chipping or grinding of tires prior to disposal, but Nevada still allows whole tires to be disposed of in landfills.

Crumb rubber is a term usually applied to recycled rubber from automotive and truck scrap tires. Crumb rubber is used for asphalt-rubber, as an additive for the base of sports fields, on children's playgrounds and for molded products.

In 2007, Nevada implemented a test program for asphalt-rubber roads, which has been successful. I hope we can soon mandate this program similar to what has been instituted in Arizona, California, Florida and Texas.

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SENATOR RHOADS:  
Will this bill apply Statewide?

SENATOR COPENING:  
In a way it will. The recycling facility is designed for Clark County. It is the only county currently permitting a tire recycling facility. It would allow that if a facility in the northern area of the state wanted to become regulated and permitted, the NDEP has the right to do this.

CHAIR PARKS:  
I have a question in regard to your revised language on page 3, line 11 of the proposed amendment, "exemption from any penalty imposed." I have several worn out tires; would I be able to just throw them in the trash?

SENATOR COPENING:  
Yes, within these provisions it exempts the average person with worn tires. The recycle facility is specifically designed for new tire retail sellers and wholesale tire sellers. These businesses are hauling large amounts of tires to the landfills. Our goal is to have them take the tires to a recycling facility instead of a landfill. We want to start small, and eventually we will be recycling all our tires.

CHARITY STEVENS (Phoenix Recycling):  
I represent Phoenix Recycling Technologies. I have prepared testimony explaining our position ([Exhibit D](#)). According to the Rubber Manufacturer's Association, Nevada currently ranks 48th out of 50 in its waste-tire management. We are, in fact, the only state that still allows for landfill use of whole tires and our State alone produces 1.5 million waste tires every year. Before now, the amount of waste tires being produced has not warranted a recycling facility, and we have had no other economically feasible alternatives. Today we do; Phoenix Recycling is building a \$5.5 million, privately funded, state-of-the-art waste-tire recycling facility in Las Vegas. They are providing us with the opportunity to make a very large dent in Nevada's waste-tire problem. This bill, S.B. 186, along with Senator Copening's current amendments, will keep approximately 80 percent of Nevada's tires out of our landfills.

By passing S.B. 186, not only will you be helping our environment, but you will also encourage new industry to set up in Nevada. Recyclers will tell you that once a facility is in place, it is then much easier and more cost-effective for that facility to branch into other areas of recycling. What better time than now to

encourage businesses that will have a positive impact on our environment and supply green jobs, to set up shop in Nevada.

The facility that Phoenix Recycling is building in Las Vegas is one of a kind. In fact, there is no other facility like it in the United States. There will be no unsightly and unsafe tire piles; everything from the storage of the tires to the processing will be done indoors. The 100,000-square-foot recycling plant will be one of the most environmentally friendly in the nation. Once Phoenix Recycling becomes fully operational in July, they will process about 5,000 tires a day. However, unlike some other states that process tires and then put the pieces in the landfill, our tires will be processed into crumb rubber.

Crumb rubber is a commodity that is widely traded in world markets. The crumb that is manufactured at Phoenix Recycling will be sold with a made in Nevada stamp on it, to companies that produce sustainable products such as asphalt rubber and safety mats for playgrounds and sports fields.

KELLY SOCKWELL (Phoenix Recycling):

I am here to answer any technical questions you may have regarding our new facility. I would add another point. Right now, if you go to a local retailer and buy a sports field type of material, landscape mulch or something like this, you are purchasing waste tires that were processed and produced in other states. A Las Vegas recycling facility will eventually eliminate purchasing from outside sources and produce materials locally.

SENATOR RHOADS:

How many tires a day can you process?

MR. SOCKWELL:

When we become fully operational we can process approximately 5,000 tires a day.

SENATOR MATHEWS:

Do you process the tires and then someone else manufactures these products? I have seen patio items made from this material. Do you make these products?

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MR. SOCKWELL:

The finished material is called crumb rubber. In itself, it is a value-added product. With the crumb rubber, it is possible to do various molded products. We provide the raw material for the process, but we hope to expand in the future.

SENATOR AMODEI:

Will you have the ability to recycle the heavy-equipment tires? Is the larger size a problem? Are they just too large to handle?

MR. SOCKWELL:

Unfortunately, this facility as it is being constructed will not be capable of handling these larger tires. The tire shredder is not able to process these tires. They are difficult to work with because of the materials in their structure. This legislation would not address these tires. This is a future possibility.

SENATOR MATHEWS:

Will this be a large water-use facility?

MR. SOCKWELL:

Our facility is designed to use virtually no water to process transportation-type tires. The larger tires would require water. We would need to go through a new permitting phase to facilitate these gigantic tires. The water would be recycled in this process.

CHAIR PARKS:

Would my old tires be processed in this recycling plant?

MR. SOCKWELL?

Yes, they could be blended in and processed with other newer tires over a period of time.

JOHN PAPAGEORGE (Republic Services):

We are in support of the bill. We are delighted that these tires will not be showing up at a landfill.

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LEO M. DROZDOFF, P.E. (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):  
We have been working with Senator Copening on S.B. 186. We are in support of the bill.

KYLE DAVIS (Policy Director, Nevada Conservation League):  
We are in support of the original bill and the amendment. This is a good first step in dealing with tire recycling.

JOE JOHNSON (Sierra Club):  
I have a long history with recycling tires. About 20 years ago when I served in the Assembly, we had a bill and we assessed a fee on tires when they were purchased. It is a continuing consideration. This is a very good start in resolving the problem. We are in support of S.B. 186.

CHAIR PARKS:  
There are no further comments. I will close the hearing on S.B. 186 and open the hearing on S.B. 241.

[SENATE BILL 241](#): Requires the licensing of cat and dog breeders by the State Department of Agriculture. (BDR 50-778)

SENATOR SHIRLEY A. BREEDEN (Clark County Senatorial District No. 5):  
I am here today to introduce S.B. 241. The federal Animal Welfare Act and the regulations of the U.S. Department of Agriculture (USDA) do not address many concerns related to companion animals. Wholesale breeders, dealers, exhibitors and research labs are covered. The states are responsible for regulation of small retail breeders and pet shops selling only domestic pets. I am reading my prepared written testimony handout ([Exhibit E](#)).

In 1993, our Legislature enacted animal welfare laws in chapter 574 of the *Nevada Revised Statutes* (NRS) which are enforced by the State Department of Agriculture. Nevada has made a good start in passing animal cruelty laws. Our State falls in the middle tier of the Animal Legal Defense Fund's "2008 State Animal Protection Laws Rankings," but we must do more to protect defenseless dogs and cats and provide better consumer protection to buyers.

Senate Bill 241, as it was originally proposed, resulted in many negative responses from breeders. In an effort to compromise, I am proposing that the

bill be rewritten to reflect the following: breeders would be identified by registering with the local animal control agency, or the local agency which has authority over the animal control function; a \$250 registration fee would be required annually; if a breeder fails to register and pay the required \$250 registration fee, and a complaint is received by the local animal control or law enforcement agency, a \$500 penalty will be imposed; If a complaint has been received and the breeder registers immediately with the local enforcement agency, the breeder will receive \$250 credit towards the fine; mandatory microchipping and registration of offspring.

In Nevada, statistics reveal that during 2008, 2 of Clark County's animal shelters, the Lied Animal Shelter and the Henderson Animal Shelter, took in 26,522 dogs. Of that number, 10,286, or 39 percent, were euthanized. Cats fared even worse. In 2008, the 2 shelters took in 27,078 cats. Of that number, 20,439, or 75 percent, were euthanized. Indiscriminate breeding is not the only cause of our continuing problems with animal cruelty, overpopulation and abandonment. However, it is a significant factor and government has an obligation to impose some standards on breeders.

The intent of this bill is not to have an impact on the pocketbook of veterinarian clinics and breeders that operate in an ethical manner. I introduced S.B. 241 to close significant gaps between Nevada law and federal law that hamper our ability to prevent and punish animal cruelty and leave room for people to profit with impunity from the suffering of animals and the anguish of purchasers.

SENATOR COPENING:

Why do you think we have these feral animals that have been abandoned?

SENATOR BREEDEN:

The problem is twofold. There are breeders who are unethical and they sell ill animals to puppy stores. There are backyard breeders. Another reason animals are abandoned is because of the many home foreclosures. There are numerous reasons for feral animals.

SENATOR COPENING:

Do you have an idea what the new standards for breeders might be? Are you developing this or is someone from the stakeholders?

SENATOR BREEDEN:

No, I would not be developing these standards. I believe if the measure is passed, we would work in collaboration with all the associations.

KAREN LAYNE (President, Las Vegas Valley Humane Society):

Our organization supports S.B. 241 and the proposed amendment. We are an all-volunteer, nonprofit organization. Last year we rescued 700 animals. We helped adopt 1,000 animals. We provided spaying and neutering for 3,000 animals and also for many other animals through low-cost spay and neuter clinics. We have been actively engaged with this project since 1991. Our mission is to reduce the number of animals going into local animal shelters. Most of the animals we have taken in are abused, abandoned and often left to fend for themselves. We make these efforts because we definitely care for these animals. We are here to address proposed S.B. 241 because we believe breeders need to be licensed.

We have some controls in Clark County, but we are seeing animals coming from breeding communities outside Clark County. This is beginning to impact us. Approximately 25 percent of the animals coming into the shelter today are purebred animals. The percentage has increased due to the housing foreclosures. This is a difficult time for us in these economic times. The animals are left to fend for themselves as the pet owner moves to more affordable housing where an animal is not permitted. I suggest we look at this problem as an economic issue. Breeders produce a product. They also produce a by-product. The by-product is surplus animals. These surplus animals end up in shelters and have to be dealt with by the taxpayers. It is called an economic externality, in the sense that it is similar to a coal-burning plant. A coal-burning plant produces electricity which is a desired product, but it also produces a by-product which is not so desirable and that is pollution. We, as a society, have to decide how much we are willing to take or to assume for the electricity that is produced by the coal-burning plant. We have to ask the same question of breeders. The number of animals being put down in the Valley is absolutely staggering. We are doing everything we can, whether through rescue or spay and neuter, to make an effort to save animals. With all that said, the very minimum we can do is to require a license for breeders. This issue needs to be dealt with in a better fashion than in the past.

GINA GREISEN:

The presentation of S.B. 241 has been very well done. We know there is a problem, and we need to do something. This bill will be a good start. I urge you to address this issue and consider the amendment being made and pass this bill.

SENATOR BREEDEN:

You all have been given a copy of a letter that Clark County Commissioner, Chris Giunchigliani sent to me today ([Exhibit F](#)). I will read it to you. Commissioner Giunchigliani suggests that at a minimum we should have breeders register with their local government. Then we can begin the process of trying to weed out the backyard breeders. The letter basically supports S.B. 241.

HAROLD VOSKO:

I am a cofounder of Heaven Can Wait Sanctuary of Las Vegas. Our mission is to reduce the euthanasia rates in the Las Vegas Valley. There are over 30,000 animals that die yearly. We are able to do this through aggressive spay and neuter programs as well as education, legislation and rehabilitation of animals. We are in support of S.B. 241.

CHAIR PARKS:

There is a time crunch, and some of the Senate Committee on Natural Resources members have other obligations and must leave. We will schedule the work session on S.B. 137 for another day ([Exhibit G](#)).

**SENATE BILL 137**: Provides for the placement of recycling containers in certain locations. (BDR 40-741)

CHAIR PARKS:

We will now hear opposition testimony to S.B. 241.

DR. PHIL LA RUSSA (State Veterinarian, Division of Animal Industry, State Department of Agriculture):

I have reviewed the proposed document, S.B. 241, and the fiscal note that accompanies it. I would like to make a few corrections. The fiscal note states there is \$5 million that might be available before the program started. In reality, it would be collected during the year and be available for the second year. The second correction is the fact that a numerical mistake was made and instead of 50 people to accomplish the job, we will need 100 people to cover the program.

It will be extremely costly to begin this program. It was originally considered as a State Department of Agriculture (DOA) project, but as I interpret previous testimony, this will not be a DOA program. It will be a county program. Chapter 574 of NRS specifically refers to the DOA. County code, not NRS chapter 574, would be more appropriate for county regulations.

The commercial breeder is governed under the Animal Welfare Act by the USDA in Title 9 of Code of Federal Regulations part 2, subpart (a), section 2.1, that breeders are licensed and are under the USDA. It would be redundant to have a program for licensing.

The proposal, as written, refers to all breeders in Nevada. An estimated 10,000 breeders per year would need to be evaluated. This would be a yearly project. Another aspect of the proposal, the expectation that a dog would breed only twice in its lifetime, is unrealistic. It is not based on science. The requirement in the original bill that all litters be registered and tracked would be an immense task. We do not have existing data on every dog owner and whether or not they breed their animal. As such, license fees could not help to recoup our money nor could a breeder recoup their money as proposed under this regulation.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):  
This bill drew our attention for two basic reasons. One reason is to consider the appropriate role of state government and the other has to do with the intrusion into private-property matters. Our concern, as the bill was originally written, is that today we might be talking dogs and cats and legislating what we believe to be appropriate controls over these animals, but later we may be talking about livestock or other animals. Because of this, we have taken a stand to oppose this legislation on the basis that S.B. 241 overextends the appropriate role of state government. It also intrudes into private-property rights of those who own dogs and cats.

DENNIS R. WILSON, D.V.M. (President, Nevada Veterinary Medical Association):  
I am president of the Nevada Veterinary Medical Association. I am the director of the Animal Emergency Center in Reno. I have been a practicing veterinarian in Nevada for 24 years. I brought two handouts for the Senate Committee on Natural Resources ([Exhibit H](#)). The first handout is to help clarify the Nevada Veterinary Medical Association's position on this issue. The second handout focuses on possible solutions that may be helpful with these circumstances.

I will recap some of the points in my prepared testimony. The definition of "breeder" would include a single person owning a single pet used for breeding purposes. This would indicate that a single person owning a single breeding male or female dog or cat would be required to obtain the \$500 breeding permit from the DOA. This is a huge intrusion upon the rights of the pet-owning public and will result in an outcry from responsible pet owners Statewide.

This bill would limit the use of stud dogs or tomcats for breeding purposes to only two times since there is no description in the bill about the sex of the breeding animal.

Individual persons owning a litter of puppies or kittens will not be aware of this law until they try to sell the litter. At this point, the individual person will be faced with a \$500 breeding license fee and or a fine for not complying with the regulation in the first place.

The cost to the State for implementation and enforcement of this bill will be astounding. This bill will require the DOA to implement policy and hire new enforcement personnel. It will require thousands of man-hours for inspection, administration and travel time. This bill will prove to be virtually unenforceable because it involves governmental intrusion into the personal homes of Nevada citizens. We are opposed to this bill.

Nevada Veterinary Medical Association believes more legislation is not needed, but rather enforcement of existing laws and public education are the best answers to this problem, [Exhibit H](#). There are specific laws to enforce including NRS chapter 574, "Cruelty to Animals: Prevention and Penalties;" the Federal Animal Welfare Act; and any county, city or local ordinance regarding leash laws, animal-at-large laws, kennel licensing laws and dog- and cat-licensing laws.

Other solutions could include, public education, including assistance from the various animal advocate and welfare groups, animal control facilities and responsible breeding groups regarding responsible pet ownership and responsible breeding practices. Encouraging sterilization of pets and adoption of pets from shelters or rescue groups and discouraging puppy mill situations are some of the ways to solve the overpopulation problem. Pet identification through microchip implantation when age appropriate is also encouraged.

CHAIR PARKS:

Because of a limited amount of time, we will hear testimony from those who represent groups and other individuals.

CHRIS VAUGHT:

I am the spokesperson for Concerned Nevada Pet Owners. We are a recently formed grassroots coalition of individuals, pet groups/clubs and pet-related businesses such as groomers and trainers. As such, I am speaking for a myriad of Nevada residents and responsible, concerned pet owners with my written prepared testimony ([Exhibit I](#)).

The first concern we have is a simple question. What is this bill supposed to accomplish? If proponents are taking aim at substandard breeders who care little about improving a dog breed, then it is a worthy goal to minimize that activity. However, we do not believe that an exorbitant yearly fee is going to affect those breeders who are breeding animals irresponsibly, as they are not going to comply with getting a license anyway. It will drive them underground and they will do things even more irresponsibly. This bill will affect most those people who are ethical and have the best interest of their animals and breeds at heart.

The bill defines any person who produces a single litter of puppies or kittens a "breeder" whether that litter was planned or not. It subjects that person to a \$500 yearly licensing fee and makes it a misdemeanor to produce a litter without the license. Section 13 of this bill defines this breeder of a single litter of kittens or puppies as a "dealer" of puppies and kittens. This is uncalled for and a huge insult to the breeders and fanciers who spend thousands of dollars of their money and hundreds of hours of their time on their hobby and passion, which is to improve their breeds, and enjoy their dogs and cats.

Another concern with S.B. 241 is that the bill is so broad and, from what we can tell, does not address any tangible standard of animal care or animal welfare goal. Most proponents would tell you that this legislation is in order because there are millions of puppies and kittens dying in shelters each year. This is a faulty premise on which to base any legislation supposedly geared to deal with the issue of shelter deaths. The presumed direct correlation proponents attempt to make cannot be made where hobby breeders and enthusiasts are concerned. They breed animals with very specific objectives, goals and specialization in mind. In addition, responsible breeders sell their puppies and kittens with contracts. These contracts usually include spay and neuter clauses, and require

that if ever in the life of the animal it cannot be retained, the animal is to be returned to the breeder. Most responsible hobby breeders participate in breed rescue for their chosen breed to some degree regardless of whether the dog or cat is produced by them. These breeders are the best ones to evaluate breed characteristics and temperament and help place the animal in a suitable home.

Most local jurisdictions already have their animal licensing set up so people are paying a premium to keep an animal intact. We do not oppose this structure. As a fiscal note, the DOA has stated this bill would cost at a minimum \$80,000 the first year to enforce. In times of significant and historic budget deficits, this is unacceptable, especially for a piece of legislation that does not convey any meaningful benefits for dogs, cats or consumers.

One last concern is that S.B. 241 usurps the authority of local governments to implement their own zoning prerogatives, including the ability to permit conditional uses. Many municipalities in the state already have regulations and ordinances governing breeders and pet fanciers. A state law would cause undue hardship on local governments to comply with a statewide mandate. What is needed is greater enforcement of existing state cruelty and nuisance laws, not more regulation. Budgets do not allow for this and the bill is certainly not going to generate enough income to add to the budget shortfalls in this area. Many local municipalities already have some requirements for permitting breeding and kenneling activities and we believe that these requirements are sufficient to regulate hobby breeders if enforced.

This bill is fatally flawed. It is overly broad, vague and unclear as to what public benefit it is trying to achieve. It does nothing to curb substandard breeding practices and everything to punish and restrict responsible and ethical breeders.

CAROL INFRANCA:

I am a dog fancier. My passion is silky terriers as outlined in my testimony ([Exhibit J](#)). I show them in American Kennel Club conformation events. I occasionally have a litter from my champions. My husband is a middle school teacher. Our passion for showing our silky is already limited by financing. Paying an annual fee of \$500 when I am not even planning a litter seems unbelievable. Adding \$500 to costs for a litter and including veterinarian bills and stud fees once every 2 or 3 years seems unreasonable.

Requiring microchipping of my silky puppies before they are sold could be dangerous. Microchipping that young could seriously injure them.

In [Exhibit J](#), you will find some definitions of different types of breeders. They come from a magazine *The Dog Owners Guide*: hobby breeder, commercial breeder, amateur breeder and a real puppy mill.

With historic deficits, this is not the time for additional spending. What we do need is greater enforcement of existing cruelty and nuisance laws to crack down on those who disobey them. We do not need more regulation for law-abiding citizens. A positive step would be to educate consumers about how to research the source of their pets and distinguish the good breeders from the bad. In this way we shut down substandard kennels by cutting off their customer base.

SENATOR AMODEI:

We all know puppy mills are not a good thing. The testimony today reflects this issue.

BARBARA KUBICHKA:

I am a member of Save R NV Animals. We have members in Carson City, Elko and Las Vegas. We are opposed to more big government and loss of our constitutional rights and we are opposed to unfunded mandates. We are opposed to invasion of privacy in these issues and we are opposed, especially in this economy, to superfluous and restrictive animal laws. You have a list of the bills we oppose ([Exhibit K](#)). We think this is a bad bill. Our group represents people who have lions to lambs, from ranchers to rescue, with a focus on the agricultural community. The agriculture community would like their own Webcam in Elko, Nevada, so they do not have to drive 300 miles to a legislative meeting.

At the March 19, 2009, meeting of the Senate Committee on Natural Resources regarding this issue, there was a rumor about a puppy-mill bust in Amargosa, Nevada. I had someone investigate the rumor. A preliminary investigation by an Assemblyman determined there was no record of a puppy-mill bust.

SHERYL SCOTT:

I will try to not be redundant because I agree with the previous testimony. I am a dog breeder. My puppy contracts have a required spay and neuter clause and

I charge a \$1,000 fine if they do not spay or neuter. Since time is short, I will cover only my basic points. If for some reason the pet owner can no longer take care of the pet, I will take it back and place it in a new home.

The American Kennel Club (AKC) "Guidelines for Breeding: Section 5, Chapter 3," states no dog or litter out of a dam under 8 months or over 12 years old at the time of mating or a sire under 7 months or over 12 years of age at the time of mating will be registered. Responsible breeders already have AKC regulations. Limiting breeding to only two litters is outrageous.

Ranchers in our Elko community sent their letters of testimony, and I was asked to read them to you as part of my testimony ([Exhibit L](#)). We do not have time to read them to you. Many of these ranchers are breeders. They breed their cattle dogs. They work their cattle dogs. They would not consider going to a rescue shelter to get a dog. They need a proven dog.

CHAIR PARKS:

Please leave the letters for the record.

CANDY ROPER:

I am the president of Bonanza Kennel Club of Carson City. I will read my prepared testimony ([Exhibit M](#)). We are a nonprofit group of dog owners. We formed in the early 1980s and held our first AKC license show in September 1989. This show brought in 1,200 dogs. Our shows continue to bring in 800 to 1,000 dogs every fall for 2 days with all breed, obedience, and rally shows, plus a 3-day specialties show and associated events.

CHAIR PARKS:

We do have your written testimony and we thank you for it. Would you make a summary for this Committee?

Ms. ROPER:

In summary, in Washoe County there is exceptional adoption-rate success. Carson City last year took in 2,500 dogs and cats of which 85 percent to 95 percent were adopted. Only the old and injured were euthanized. There are effective programs in place to help the Humane Society place these pets. We would be more than happy to work with the Nevada Veterinary Medical Association regarding the educational issues. We strongly urge the Senate Committee on Natural Resources to vote against this measure.

CHAIR PARKS:

I will take one more testimony from here and then I will ask for testimony from Las Vegas.

DON MORADIAN (Bonanza Kennel Club):

I am currently on the board of the Bonanza Kennel Club. I spoke before this group on March 19, 2009, regarding S.B. 132. At the time I brought resource materials for your information. Hopefully, you have had time to read these inserts. I was dismayed to hear the Humane Society of Las Vegas, according to Senator Breeden's written testimony, reporting that 39 percent of their dogs were euthanized. Something is not right. My handout for the Senate Committee on Natural Resources, from the March 19, 2009, meeting, reports that Washoe County is doing an admirable job with increased success nationwide. The message to spay and neuter is getting out. The public is getting it. I am a breeder and exhibitor of champion Samoyed dogs. I do not want NRS chapter 574 dictating what I do for my dogs based on "I think and I feel." Senator Breeden used a lot of Humane Society of the United States estimates and statistics. As stated earlier, the photographs from a puppy mill bust was investigated and it was revealed that there was no puppy mill bust. Someone lied to your Committee. In the information I handed to this Committee on March 19, 2009, some of the material clearly states that the gene pool is getting smaller, and if anything, evidence could point to a real shortage of animals. No one wants to see sales of puppies and kittens from a soapbox in front of a supermarket. One of the few times we do agree with the people in Las Vegas and the Humane Society of the United States is that it is much more appropriate for a local sheriff's department, in conjunction with animal control, to deal with these kind of sales. I believe S.B. 241 misses the mark. It is naive and misguided.

[SENATE BILL 132](#): Revises provisions governing the treatment of animals.  
(BDR 50-369)

JILL CHRISTENSEN:

I am a dog breeder. Everything that has been said here, I would echo with great emotion. I have been breeding miniature schnauzers for 25 years. In the last five years, I have sold three dogs with full AKC registration. This means the purchaser can actually use the dog for breeding. Those three dogs are all show dogs. I co-own these dogs. My breeder's contract is much the same as the other breeders. This is our passion.

I will not belabor this bill because it is misguided. The money will be put into the General Fund. It will not address the problem. I have no solutions for the dogs in the shelters. It is a societal problem. As people will abuse children, they will abuse dogs and cats. Can we stop the behavior? I hope so. Will this bill do that? It absolutely will not. The only people this bill will affect are the people who love their dogs and cats passionately and are honest. Those other animals that are in the shelters are there because of ignorance or irresponsibility. The bill will not address this problem.

In Las Vegas, the Silver State Kennel Club will hold their AKC show. All those people will be traveling from California, Arizona and Utah as well as residents of Las Vegas. There will be breeders from all over. This is the type of event and these are the type of people who will be affected by this bill. When I breed one of my dogs, before the dog is bred I add up my total fees and the cost is at least \$1,200 for any female. My dogs get the same prenatal care and treatment as a human pregnancy. The dog I am breeding will cost another \$7,000 because he is an AKC champion. My investment is huge. The thought that my dogs would end up in a shelter is utterly ludicrous.

CHAIR PARKS:

Sir, would you make the concluding remarks? If anyone has prepared testimony they would like to leave with the Committee, we will happily accept them. There are three testimony letters prepared by Lori McClelland, Harry Gammie and Nancy Gammie ([Exhibit N](#)).

DAVID FRITSCH (President, German Shepherd Dog Club of Reno and America):

I am a member of the board of directors of the German Shepherd Dog Club of America. I am not prepared to write a check for the \$5-million shortfall that this program will create. The testimony has been extremely well prepared. Possibly the bigger picture has to do with the significant problems in our world today.

We look at puppy mills and know we need to find language to specifically address this issue in a similar way we did with the German Shepherd Dog Club of America, placing restrictions on membership in our organization by those people who have already attempted to penetrate it from the puppy-mill industry.

What are we doing here and why are we doing it? There are problems with random breeding. Even the human race has this problem. This probably needs to be regulated, but I do not think we want to go there. The product of that

random breeding roams our streets and creates far more problems than pets in backyards. We are all aware of the issues of the human race and the frustration with regulation of human behavior, and yet we do not go there. Legislatively, we do not regulate how many children parents may have or the qualifications they need to have as parents or how that is going to play out with revenue for the State, simply because we do not go there. Government will not intrude in certain areas where we historically hold parents responsible for what they are doing and for their offspring. And yet, when it comes to animals and no one would argue that children are more important than animals, we do not regulate them. Maybe we should agree with the comment that was made earlier that this may not be an arena where government should intrude. There is commercial breeding and big business involved and maybe we need to address this in some fashion, but we are hobby breeders with our pets in our homes. We enjoy the AKC registry or another registry and I recommend that the State does not go there.

CHAIR PARKS:

I will close the hearing on S.B. 241. I will open the hearing on S.B. 300.

**SENATE BILL 300**: Requires the acceptance of the donation of certain improvements on certain state land by the Division of State Lands of the State Department of Conservation and Natural Resources. (BDR S-974)

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):

We are here today for a very important bill. It is a small bill with a small amendment ([Exhibit O](#)). The bill is intended to require the Division of State Lands, State Department of Conservation and Natural Resources to accept the donation of certain improvements on State land. This bill would allow for paving of a parking lot that would be used by Opportunity Village. We do not have a map of the area. If you can visualize West Oakey Boulevard in Las Vegas, Opportunity Village is on that street between Jones Street and Torrey Pines Drive. There is a corner from Opportunity Village to the Easter Seals location that is vacant land. That land belongs to a school district trust fund.

What we would like to do is improve the land to use as a parking lot between Easter Seals of Southern Nevada and Opportunity Village. We have talked to Jim Lawrence about this amendment. We will give all of you a copy of the amendment. It indicates the changes in the bill as a portion "of the southwest corner of" which is one change and another change is the word "other"

purposes, not "educational." The school district has signed off on the amendment. They are fine with it. There is no stone left unturned. We would appreciate it if you would give your full consideration to this.

SENATOR MICHAEL A. SCHNEIDER (Clark County Senatorial District No. 11):

I will disclose that I am a board member for Opportunity Village for more than 20 years. Senator Cegavske is a board member as well. We are both active board members. This land is not being used. Opportunity Village will pay for the pavement and it will be used as a parking lot. There is a slim chance that someone would buy this land. The College of Southern Nevada can use the parking lot. Opportunity Village has big events in the winter and we will need to use the parking. Other facilities and the public also can use this parking area.

SENATOR CEGAVSKE:

Yes, I did need to disclose that I am a board member of Opportunity Village. We have Ed Guthrie and Brian Patchett ready to discuss the liability issues and the waiver with the school district. We have taken care of this as well.

ED GUTHRIE (Executive Director, Opportunity Village):

Opportunity Village is a large community rehabilitation program. The reason we are trying to get this land is because as the College of Southern Nevada and other institutions in the area grow, we will have the same problem that we had 5 to 10 years ago. We made a deal between Opportunity Village and the College of Southern Nevada and the City of Las Vegas. The big parking lot between the college and the City was paved by the City and the college together because another business, The Magical Forest, was bleeding into the neighborhood around the area creating parking shortages. The purpose of this proposal is to make the parking available so there is no parking bleed back into the community. The school district was concerned about liability. We have agreed to put a rider on our liability insurance policy. Opportunity Village and Easter Seals of Southern Nevada have all agreed to this liability coverage. It will not be a liability to the state of Nevada or the Clark County School District. The liability will be covered by the insurance of Opportunity Village.

CHAIR PARKS:

Approximately what is the size of this land? Jim Lawrence can answer this question when he testifies. We will go to Brian Patchett in Las Vegas.

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BRIAN PATCHETT (President and CEO, Easter Seals of Southern Nevada):  
I am coming before you to voice my support for S.B. 300. I have prepared a handout that gives my position on this bill ([Exhibit P](#)). Easter Seals of Southern Nevada annually serves roughly 4,000 children and adults with disabilities. As we have been expanding to meet the need, our needs for parking as it relates to events that we do in the fall and at other times of the year, has increased. It is logical to have this new parking lot. I will echo what Ed Guthrie has said and we are willing to add a rider to our insurance as well and maintain the liability for the parking lot so that our people may use it when they need it.

JIM LAWRENCE (Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources):  
We support this bill as amended. To answer your previous question, I have not scaled it off exactly, but it is approximately five acres in size.

CHAIR PARKS:  
Is there any other testimony? We will close the hearing on S.B. 300. This concludes the business of the Senate Committee on Natural Resources. We are adjourned at 5:51 p.m.

RESPECTFULLY SUBMITTED:

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Shirley Parks,  
Committee Secretary

APPROVED BY:

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Senator David R. Parks, Chair

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

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