Testimony in OPPOSITION of SB 299............................CHRIS VAUGHT

Good Afternoon Chairman Carlton, and Assemblymen of the NR Committee. Thank you for the opportunity to present my opposition to SB 299.

My name is Chris Vaught and I live in Washoe Valley. I am currently a dog trainer, and small business owner. I own Carson Dog Sports, a training facility here in Carson City. I am a former horse trainer, rider and competitor, and general animal lover.

Last session the Commercial breeder bill was introduced which was in essence this same bill only with the regulation coming at the State level. Because the State Dept. of Agriculture came out against the bill, I am assuming that this time this is written as an unfunded mandate to lower level municipalities, so that that opposition is avoided.

While this may be true and you get no opposition from the State, the major flaws of this legislation remains unchanged and the opposition from every other animal owner and group that opposed it last time is pretty much the same.

This bill is squarely aimed at hobbyists and fanciers, and other small scale animal breeders, who may be breeding very infrequently, or who are breeding for a very specific purpose, such as showing, working animals, such as stock dogs, or other performance animal. It opens these citizens up to micromanagement by local government that is completely uncalled for. It assumes that ALL breeders of cats and dogs are doing it wrong and need their hand held in the performance of what is in most cases a passionate hobby.

I testified in the Senate NR committee that regardless of what the proponents of this bill claim, the definition of “commercial breeder” is so broad it will include anyone breeding any dog or cat regardless of the number of dogs owned or bred...it simply focuses on the fact that an animal was sold. Given that, I would now be a commercial breeder even though I have bred and sold only one single litter of puppies in 17 years of dog ownership. Rather than allay my fears that this was indeed not the intention of this bill, Chairman Manendo went on to question me about my dog activities, whether I had collected sales tax on the puppies, whether I claimed them on my income tax and generally insisted that because I had made money on the puppies, I should therefore be termed commercial. I told him that under my current county ordinance my dogs are not considered to be a business because I do not produce more than 5 litters in a
year. He then went on to state that the inspection process in this bill whereby animal control will be allowed into my home “at any reasonable hour” is not onerous or intrusive because if I ran a Child Day Care out of my home, I would need to be inspected.....Really? That is absolutely not an apples to apples comparison of what this bill is about. If I were running a Day Care business out of my home, likely I would fall under some sort of commercial enterprise ordinance or statute. Secondly, if I’m running a day care business out of my home, I am engaged in TAKING CARE IF OTHER PEOPLE’S children...NOT MY OWN. This bill requires inspection of my home to ensure I am taking care of MY OWN property. And lastly, the societal toll if I am doing things incorrectly or illegally with SOMEONE ELSE’S children is far more lasting and critical than if I am doing it wrong with MY OWN animals.

++++There are numerous provisions in this bill that are completely counter to current veterinary recommendations, and counter to increasing animal welfare and someone’s ability to make the correct decision about the best care for their animal. If this bill is supposed to be about improving animal welfare, these provisions most certainly do no such thing and in fact will put puppies and kittens and their mothers at increased risk of significant health concerns.


**Rabies vaccination** - Do we have a rabies issue here in Nevada? reactions, immune system and socialization

18 months and back to back breedings. No 2 dogs are the same. Increases pyometria risk.

None of these things do anything additional for animal welfare but they all do have one thing in common- if followed, they significantly increase the cost of producing a puppy. Make breeding so cost prohibitive and risky (meaning there is little chance you are going to get everything right, thus becoming a criminal) that people stop doing it. In my opinion, that is the goal of these restrictions, and not any increased animal welfare.

++++If this is about animal welfare, then why are shelters exempt from some of the care standards and husbandry practices, but your average animal owner is required to meet them or face criminal charges? I’m talking about the provision in here in Section 13-NRS 574.390 (2) that exempts shelters from the prohibition
of having kennels on top of each other. If it is humanely possible for shelters to house animals in stacked cages (where those animals (mainly cats) live for months or years), then why is it assumed to be inhumane for your average owner to do so?

You can not make the argument that this is being proposed for animal welfare reasons and allow different standards of care for different entities. This arbitrariness will likely not stand up to a court challenge.

+++++The proponents of these types of regulations like to say, “Well if the breeders are doing things right, then they shouldn’t mind being regulated.” This argument is a two edged sword again with regard to having differing standards for shelters....if shelters are doing things right, then they shouldn’t mind falling under the same regulations as everyone else. You can’t make that argument one way without it cutting the other.

Besides that, the argument that breeders should not mind being regulated misses the point by a long way. This is about civil liberties, about our constitutional rights to life, liberty and the pursuit of happiness and our 4th amendments right to be safe and secure in our homes. What other area of our lives mandates that we allow law enforcement entities into our homes at “any reasonable hour” as this bill does? Does the government go in at will and monitor those people providing care for their elderly mother? Does the government go in at will and monitor parents who are providing care for their children? Does the government go in at will and monitor someone who has firearms in their homes to make sure they are storing them safely? The answer to all of these is NO. Why then, should I be happy giving up my rights to my privacy and security from law enforcement intrusion into MY HOME just because I choose to live my life with animals? I should not have to. This bill and most all laws pushed by animal rights factions assumes people are doing it wrong. That is an insulting and unconstitutional assumption and no law should be built on that.

There is a recent court case in Volusia County, Florida in which the county ordinance required home inspection in order to obtain a kennel license. In that case, a couple sued the county challenging the forced requirement of home inspection. The final case is still pending, but the court ruled against the county’s motion for summary judgement and dismissal, finding:
"The County argues in its latest motion to dismiss that because Plaintiffs do not allege that they have applied for and been denied a license or that they have had a license revoked, they have not suffered actual injury, do not face a threat of injury, and do not present a justiciable controversy.1 Contrary to the County's argument, the Court finds that because of the nature of the claims asserted by Plaintiffs, a justiciable controversy is presented and Plaintiffs have standing to pursue this case at this time. "For purposes of standing, a denial of equal treatment is an actual injury even when the complainant is able to overcome the challenged barrier." Common Cause/Georgia v. Billups, 554 F.3d 1340, 1351 (11th Cir. 2009). Plaintiffs allege that they are being subjected to unequal treatment and that the County may not force them to waive their Fourth Amendment rights as a condition of licensure. Under these circumstances, the Court finds that Plaintiffs may pursue their claims even without having made a formal license application. Cf. id. ("The "injury in fact" in an equal protection case of this variety is the denial of equal treatment resulting from the imposition of the barrier, not the ultimate inability to obtain the benefit." (quoting Ne. Fla. Chapter of Assoc. Gen. Contractors of Am. v. City of Jacksonville, 508 U.S. 656, 666 (1993))."

Next,

++++NRS 244.189 and NRS 244.359 both read:

Each board of county commissioners MAY enact and enforce an ordinance or ordinances:

So while they may or may not decided to regulate other issues pertaining to animals, such as animals at large and establishing a pound, this law REQUIRES that they MUST regulate breeders. Wow, besides being a complete unfunded mandate, you are arbitrarily singling out one segment of of the animal owning population and assuming they are inherently bad and their behavior is inherently criminal and in need of monitoring. Again, this arbitrariness and discrimination will likely not hold up under a court challenge. Another court case, this one completed/decided, from Kentucky (Louisville Kennel Club vs. City of Louisville) in which a similarly arbitrary city ordinance (one that required different housing requirements for intact animals verses those neutered) was struck down and determined to be discriminatory and arbitrary.

++++Whereas most people may be looking at this bill in isolation, I am not. I have significant questions and concerns with how what is in this bill meshes with the proposed SB223, the Felony Animal Cruelty bill. If you recall from my
testimony on Tuesday, SB223 includes a provision that makes separating a puppy from its mother prior to 8 weeks of age a misdemeanor offense, without any exceptions. This bill clearly defines breeders as “dealers” and so this provision would apply to anyone breeding a single litter of puppies.

Animal welfare, anti-cruelty and ending the suffering of animals are worthy goals. Everyone in their right mind supports that. I am not convinced that those goals are behind SB 299. It is hard not to be cynical and to believe those are the aims when the vast majority of proposed anti-pet legislation in the country today is being pushed by animal rights groups who philosophically believe in no animal uses (including food, clothing, entertainment or pet ownership) whatsoever. By pushing legislation that makes animal ownership and use so expensive, so risky (by threatening criminal prosecution for every aspect of animal care), so onerous, these groups achieve what they want…less animal ownership and no animal production. This bill will drive out those that are doing it right.

I urge you to vote no on this bill and support the animal owners of this state who care passionately and deeply for the animals they produce and care for.

Thank you,

CHRISTINE VAUGHT
Washoe Valley, NV