

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

**Eighty-Second Session
April 3, 2023**

The Committee on Natural Resources was called to order by Chair Lesley E. Cohen at 4:04 p.m. on Monday, April 3, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 130, Greenhaw Technical Arts Building, Great Basin College, 1500 College Parkway, Elko, 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/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chair
Assemblywoman Natha C. Anderson, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Tracy Brown-May
Assemblyman Rich DeLong
Assemblyman Bert Gurr
Assemblywoman Alexis Hansen
Assemblywoman Selena La Rue Hatch
Assemblyman Howard Watts

COMMITTEE MEMBERS ABSENT:

Assemblywoman Venicia Considine (excused)
Assemblywoman Bea Duran (excused)
Assemblyman Toby Yurek (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Melissa Hardy, Assembly District No. 22



STAFF MEMBERS PRESENT:

Becky Peratt, Committee Policy Analyst
Erin Sturdivant, Committee Legal Counsel
Connie Barlow, Committee Manager
Nancy Davis, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Rebecca Goff, Nevada State Director, Humane Society of the United States
Cadence Matijevich, Government Affairs Liaison, Office of the County Manager,
Washoe County
Shyanne Schull, Director, Regional Animal Services, Washoe County
Bob Rilling-Smith, Legislative Analyst/Community Outreach Coordinator, American
Kennel Club
Zach Bucher, Government Affairs Officer, Government and Community Affairs, City
of Las Vegas
Alexandria Cannito, Private Citizen, Reno, Nevada
Carrie Cox, Councilwoman, Ward 3, Henderson City Council
Brittany Benesi, representing American Society for the Prevention of Cruelty to
Animals
Greg Hall, Chief Executive Officer, Nevada Humane Society
John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public
Defender's Office; and representing Washoe County Public Defender's Office

Chair Cohen:

[Roll was called.] I am going to skip our regular housekeeping today. We will recess at 4:30 p.m. and reconvene after the speech on the floor of the Assembly. I will open the hearing on Assembly Bill 86.

Assembly Bill 86: Revises provisions relating to animal welfare. (BDR 50-203)

Assemblywoman Melissa Hardy, Assembly District No. 22:

I am here today to present for your consideration Assembly Bill 86, which revises provisions relating to animal welfare. With me today to present the bill is Cadence Matijevich, from Washoe County, to go over the conceptual amendment and Rebecca Goff, from the Humane Society, who will talk about some of the things they see in relation to animal welfare. As a legislator and animal lover, I am passionate about finding ways to ensure that animals are safe and protected and to strengthen our animal cruelty laws. Animals cannot advocate for themselves or protect themselves from harm. It is up to us to be their voice. I believe that we have a moral imperative as legislators that when we see our animal cruelty laws can be strengthened, to take the opportunity to do so. That is exactly what my bill seeks to do. With that, I will turn it over to Ms. Goff.

Rebecca Goff, Nevada State Director, Humane Society of the United States:

This bill defines what "adequate shelter" is for dogs. Without a definition, the law is left up to the interpretation of individual pet owners, animal control, law enforcement officers, and the court. What constitutes adequate shelter varies from person to person and from one jurisdiction to the next. While it is important for the statute to be broad enough to encompass a wide variety of scenarios and provide law enforcement, animal control, and humane investigators with discretion, it is also important to give those frontline responders clear and enforceable guidelines. Dogs can effectively regulate their body temperature if they can seek shelter from cold, wind, rain, snow, and direct sunlight. They may not always choose to use the provided shelter, but they should have access to adequate shelter based on their needs for more or less warmth. The bill provides a commonsense definition of adequate shelter for a dog so that the law can be applied equitably across the state. It does not apply to any other species, including livestock.

Cadence Matijevich, Government Affairs Liaison, Office of the County Manager, Washoe County:

I believe that Shyanne Schull, Regional Animal Services Director, is also going to join us to assist in answering any questions that the Committee may have. Ms. Schull has direct experience in the field and may be able to answer some of those specific questions for you. I know that your time is short, so I will quickly go through the amendment and allow time for questions. In general, this amendment seeks to provide an enhanced definition of animal abandonment and to address such action as a crime, regardless of whether the animal is injured, infirm, or healthy [pages 5 and 6, [Exhibit C](#)]. The amendment would repeal *Nevada Revised Statutes* (NRS) 574.110 and replace the repealed provisions within NRS 574.100.

Additionally, our amendment seeks to include specific criteria for charging animal cruelty circumstances commonly seen by our animal services agents that are not included within the existing statute. These include the following [page 2]: failure to provide necessary veterinary care to sick or injured animals; failure to provide proper ventilation and/or wholesome air for enclosed animals—this is intended to address animals that are kept in outdoor enclosures that are fully enclosed, not inside a fenced area and not indoors, as we all think of indoors being in a building, not necessarily inside of a Penske truck, for example; also to establish certain grooming standards to prevent animal suffering. The amendment seeks to further expand the shelter requirements that Ms. Goff spoke to and to exclude certain activities from the shelter requirements contained in the bill.

The consolidation that I spoke to of the provisions that are being repealed in NRS 574.110 and incorporated into NRS 574.100 are contained in section 1 of the bill. You will see there is a lot of green language in the amendment; it is all moving towards that intent. Similarly, the information about ventilation is also included in section 1; you will see that in the amendment, at the end of page 2 and the beginning of page 3. We wanted to be sure that there were exclusions for certain activities, including being "Actively engaged in police, military, patrol work, detection work, search and rescue, herding or livestock guarding, trials or other lawful competitions, service and assistance work, working, sporting, competitive functions, or while actively training for any such purposes or functions" [page 4].

You will see that the definition of abandonment on page 5 of the amendment is getting to the intent to incorporate both of those into one single section so that it does not matter if an animal has been abandoned or not, the cruelty provisions apply irrespectively. With that, we are happy to answer questions.

Chair Cohen:

I want to make sure it is clear that we will take all the time it takes. If we have to come back after the speech, we will come back. Are the witnesses here to testify or to answer questions?

Assemblywoman Hardy:

They are here in support but can also answer questions in regard to any other particular sections. As stated, what we are trying to do here is to provide clarity. Many times, our laws are subjective and left to interpretation. We want to make sure that whether it is enforcement or people who own animals, it is clear what is allowed and what is not. That is the intent, and I appreciate your giving us the time we need. This is one area that I am very passionate about, and I want to make sure it is given the time to cover it and to ask all the questions.

Chair Cohen:

I also appreciate the attempt to make things clear because we definitely do want to make sure that, as you said, our judiciary and people understand what is required of them. I will now go to questions from the Committee.

Assemblyman Watts:

I have some questions about the new additions at the top of page 2 in the amendment [[Exhibit C](#)]. Would you speak a little bit more to what is envisioned, or what the intent is, around depriving an ill or injured animal of veterinary care? I understand neglect or refusal. I am wondering if you can help me understand. There is a wide range of different types of veterinary care and financial means to afford providing certain care. I think there is even a certain level of subjectivity around end-of-life decisions and euthanasia versus certain interventions. Will you illuminate at what point this would be triggered in terms of depriving an ill animal of care?

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

I would love to answer this question in regard to welfare and cruelty complaints that our department is increasingly responsible for handling. We do typically run into cases where animals have been left suffering with injuries such as a broken leg, with injuries such as a tumor that is left untreated for months at a time that is the size of a grapefruit or larger. Those types of medical care issues are the ones we are aiming to address to prevent animals from suffering unnecessarily with preventative or treatment that should be provided to that animal.

Assemblyman Watts:

Will you also speak to the grooming or shearing aspect?

Shyanne Schull:

We are seeing cases as a result of people not grooming their dogs that need grooming as a requirement. Long-haired dogs that go left ungroomed can be painfully matted down to the skin. We have had cases where we have impounded animals that have been left ungroomed their entire lives. We have shaved over ten pounds of hair off of a dog's body. It is extremely painful. It pulls on the skin. It can cause infections if there are sores. If there are injuries underneath that matted fur, they can have parasites and all types of infections that are not noticeable to the human eye because they are covered with matted fur.

Cadence Matijevich:

Assemblyman Watts, in framing your question, you have raised an issue around people who perhaps do not have the means to provide care for their animals. Nothing in our amendment was intended to place a burden on someone who does not have the means for that. We have had some folks express concern to us about that, particularly people who are experiencing homelessness. We are absolutely willing to work with people who have those concerns. We share those concerns, and if there is additional language that is needed in this amendment, we will work with them to craft that.

Assemblyman Watts:

Thank you for that. I think some of the scenarios that you described are certainly things that we want to avoid. That is why I wanted to get some of that clarification to understand what we are trying to go after. I think there might be other things, for example, with grooming that might be considered a little bit more subjective and not leading to the level of severity of these issues. I am also wanting to make sure, to the best of our ability, that the language matches that intent and is not unintentionally overbroad.

Chair Cohen:

I do want to make sure that we are not talking about when a veterinarian says, You can treat and do these what we would consider heroic measures, or you can euthanize, or you can let the dog go naturally. That is not what this is about, correct?

Shyanne Schull:

That is correct. In terms of investigating a welfare complaint, my officers will work with the individual. If there is a veterinary recommendation, and we are not sure of the treatment options that have been provided to the pet owner, we will ask to see those. If it is a euthanasia request or recommendation, or if it is a voluntary treatment, those are all considerations that we take into account. We are aiming to have provisions to help us with people who refuse to provide veterinary care altogether and who are just not treating the animal.

Assemblywoman Bilbray-Axelrod:

First of all, I like the bill. I love my animals, and this makes me so sad. Those commercials—we have all seen them. Thank you, Sarah McLachlan. In reading your amendment, and I know you have to do this, but you have "Actively engaged in police, military, patrol work, detection work, search and rescue . . ." [page 4, [Exhibit C](#)]. If I found

out that somebody who was working in a sporting competition and was depriving their dog of ventilation, I understand the carve-out for it, and that is really not the intent of the bill. At the same time, I think of when I was younger and I went to a rodeo for the first time. I still do not think I am over it, seeing how animals are sometimes treated. I know that you have to do the carve-out, but if I saw any of our law enforcement or military, and I do not think this is happening, but it is interesting that we have to carve them out because we would not want them to treat animals the way you are discussing either.

Cadence Matijevich:

We have that same faith in our law enforcement colleagues, and those folks who work in animal competitions. We felt that it was important to add that because we heard concerns from those groups that, without that being called out and recognized, there may be perceptions from members of the general public who do not understand the nature of that work and do not understand those sporting competitions, that they would feel compelled to contact animal services and report that these animals were being subjected to conditions that are unlawful. That is the reason for the carve-out. It is certainly not intended to give any of this group a pass on treating animals safely and humanely, but it is to not unintentionally prevent them from being able to do the activities that they need to do.

Assemblywoman La Rue Hatch:

I, too, am an animal lover and I definitely want to see them protected, which is why I have a question on page 2, line 38 of the bill. When we are starting to talk about when you leave a dog outside and you have to have all these requirements, I am wondering why it applies for a dog other than a dog that primarily resides inside. My dog lives inside, but if I suddenly left her outside for 36 hours with none of these things, would that not be an issue?

Cadence Matijevich:

This is actually a section that we had some conversation on this afternoon, and one that we do think needs some tightening up to be sure that it is clear. The intent of that is not to capture a dog who does reside primarily inside but has access to the outdoors; we are talking about the doggie door situation. We were not intending to capture that. Certainly, a dog that spends almost all of its time inside would perhaps be even more unaccustomed to being outside for extended periods of time. We think that is an area that needs cleaning up in the amendment. The intention was that, if it is a dog that resides primarily indoors but has access to the outdoors and it chooses to go outside, and that indoor access remains intact, this would not apply.

Chair Cohen:

I am reviewing the new language for abandonment [[Exhibit C](#)]. Is there a provision allowing for the abandonment? I see where there is the abandonment to the rescue organization, but is there abandonment to a county shelter or a pound?

Cadence Matijevich:

I believe it is section 1, subsection 11(c)(2) [page 6], where it says "the person makes arrangements with an animal rescue organization, as defined in NRS 574.202 . . . ," that is intended to cover that.

Shyanne Schull:

I think it would be an easy amendment to add "animal shelter" as defined in NRS, in addition to "animal rescue organizations."

Chair Cohen:

Also in the amendment, on page 2, when you are talking about the dog outside and the facilities that are left for the dog, are the weather conditions part of what is to be considered? If it is a nice, beautiful day out and they are just hanging out, that is fine. That is much different than in the winter, regardless of whether or not they have shelter.

Assemblywoman Hardy:

That is also an area we have discussed; obviously, Nevada has a vast array of weather, whether you are in southern Nevada or northern Nevada. We did not put specifics in regarding weather, but that is something we have talked about and are continuing to discuss, including some kind of parameters for that.

Cadence Matijevich:

I think it gets swallowed up by all the green print, but if you look on line 42 [page 3], there is a reference to protecting the dog from inclement weather. That was in the original bill language; it has been encapsulated in the amendment language. As Assemblywoman Hardy indicated, there is some consideration for that. There is a bill in the other house that specifically addresses that. There may need to be some harmonization of the language, but there is consideration that is authorized by the reference to inclement weather.

Assemblywoman Bilbray Axelrod:

I am curious on the definition of "wholesome air" [page 2].

Shyanne Schull:

We have increasingly encountered animals that have been locked in vehicles and trailers with unsanitary conditions, including high volumes of ammonia from animal waste. We felt it was necessary to have something put in NRS that would help us address those particular issues. Not to mention, we have those issues inside residences as well. The animals are locked in small enclosures, small areas with high ammonia levels that are dangerous to not only people, but the animals in those areas.

Assemblywoman Bilbray-Axelrod:

I think we are probably going to have to define that a little further. I know there are different measures of pungent. I have a super smeller, and this room is almost not wholesome to me. That can get a little iffy, and I think we need to define that a little bit better.

Chair Cohen:

Do we have any other questions? Seeing none, would you like to have your support testify first?

Assemblywoman Hardy:

Yes, thank you.

Bob Rilling-Smith, Legislative Analyst/Community Outreach Coordinator, American Kennel Club:

The American Kennel Club strongly supports the humane treatment of dogs and believes that no dog or animal should be kept in cruel circumstances. We agree that those convicted of animal cruelty should be held accountable as Assembly Bill 86 insures. Well-written animal cruelty laws ensure the protection of both animals and responsible animal owners. That is what the intent of this bill aims to do and why we support Assembly Bill 86. We appreciate the thoughtfulness of the language of the bill and that it does not specify or treat all dogs the same or needing the same environments to be healthy; for example, a Chihuahua and a Siberian husky differ greatly. This bill acknowledges that by not specifying certain conditions for all dogs without acknowledging that there are vastly differing breeds. Some bills that cross other jurisdictions try to mandate specific temperature, size, or space requirements that do not consider breeds. This bill does not do that. We appreciate the thoughtfulness of the bill.

Furthermore, the American Kennel Club greatly appreciates the outreach from Assemblywoman Hardy in working with us and other stakeholders and working toward making a good bill even better. We look forward to working with her and fine-tweaking this bill into its final legislative form.

Chair Cohen:

With that, we are in recess [at 4:30 p.m.].

I will call the Assembly Committee on Natural Resources back to order [at 5:46 p.m.]. We are going to go back into support for Assembly Bill 86. Is there anyone in Carson City in support?

Zach Bucher, Government Affairs Officer, Government and Community Affairs, City of Las Vegas:

We are here in support of this bill. We would like to thank Assemblywoman Hardy for bringing it. The City of Las Vegas has an ordinance that aligns very well with this bill. This adds some clarifying language.

Rebecca Goff:

We thank Assemblywoman Hardy for bringing this bill forward. The Humane Society of the United States is in support of it and in support of the amendment.

Alexandria Cannito, Private Citizen, Reno, Nevada:

I am here on behalf of Penny. She wants to say that she supports this bill. Thank you.

Chair Cohen:

Seeing no other support in Carson City, Las Vegas, or Elko, is there anyone on the phone?

Carrie Cox, Councilwoman, Ward 3, Henderson City Council:

Thank you for the opportunity to provide comments this afternoon. On behalf of the City of Henderson, I would like to express support for Assembly Bill 86. Henderson is nationally recognized for the premier quality of life we offer, and that extends to the four-legged residents in our community as well. We offer many dog- and pet-friendly community events each year to show our appreciation for the value of pets in improving health, mood, and overall well-being. Pets are family, and they rely on us to be their voice and defenders to ensure their proper treatment. We have invested in the Henderson Animal Care and Control Bureau to enforce laws related to animal control and to help educate the public about responsible pet ownership. Too often, sadly, we see unnecessary cases of abuse and neglect and must do what we can to prevent and punish those offenders. Improving the welfare of dogs by expanding protections concerning their basic treatment and restraint is an important and worthy endeavor. I fully support this bill. Thank you for your time and consideration.

Brittany Benesi, representing American Society for the Prevention of Cruelty to Animals:

We would like to express our support for A.B. 86 as introduced. We will need additional time to review the amendment, but having responded to a devastating cruelty case in my county last summer involving 300 dogs with inadequate shelter, we wholly support this bill's language regarding what constitutes shelter as well as the bill's overall clarifying language that will provide guidance for enforcement. With that, I would like to thank Assemblywoman Hardy for her work on this issue and respectfully request your support.

Greg Hall, Chief Executive Officer, Nevada Humane Society:

We are in New Orleans for a conference and I apologize, we are not able to make it in person. I will tell you that we really wish we could be there to support this bill. We have been working with Assemblywoman Hardy from the inception and we strongly support everything that this bill stands for. Nevada Humane Society performs animal services contracts in Carson City, and we also partner with Washoe County in Reno, who testified earlier and supports this bill as well. We strongly support all of the protections for domesticated animals, specifically with respect to the ventilation, the veterinary care, the lack of grooming, and ensuring they have proper protection from the elements. Thank you very much for hearing our support.

[A written letter in support was also provided but not mentioned [Exhibit D.](#)]

Chair Cohen:

Is there anyone else in support on the phone? Hearing no one, is there anyone in opposition in Carson City?

John J. Piro, Chief Deputy Public Defender, Legislative Liaison, Clark County Public Defender's Office; and representing Washoe County Public Defender's Office:

We have some of the same concerns, but we thank Assemblywoman Hardy for being willing to work with us as well as Washoe County. One of the concerns was the same thing that Assemblywoman Bilbray-Axelrod brought up: what is "wholesome air"? I can tell you the air in the lobbyists' room is not wholesome. I am there all the time. It is filled with sweat, anxiety, and sadness. Also in section 1, subsection 1(f) and (g) [page 2, [Exhibit C](#)], we are worried about criminalizing people who may not have the money to get the treatment they would like to get for their dog. I represent a lot of homeless clients, and sometimes their animals are truly their best and only friend in the world, and they are really doing the best they can with the resources they have. We will work on something where we can fix it so that nonhoused people will not be prohibited from owning animals.

Chair Cohen:

Thank you; we appreciate that you are working with Assemblywoman Hardy. Seeing no one else in opposition in Carson City, Las Vegas, or Elko, is there anyone on the phone? Hearing no one, is there anyone in neutral in Carson City, Las Vegas, or Elko? Seeing no one, is there anyone on the phone? Hearing no one, would the sponsor like to make closing remarks?

Assemblywoman Hardy:

Thank you, Chair and Committee, for coming back and continuing this hearing. I truly appreciate it. I think there are a lot of us here who love our animals and do not like to see them mistreated or neglected. They are innocent, they are here to provide love and joy, and they want to receive that in return. As I said earlier, they are voiceless, and whatever we can do to protect them is the intent of this bill.

I want to quickly share some statistics that Washoe County provided. In 2019, they had 266 calls with welfare concerns. In 2022 they received 510 calls. That is Washoe County; I am sure Clark County would probably have greater numbers as would most of the other counties. This is a concern, and we want to protect these animals. I appreciate everyone who has worked with me for several months on the amendment. We are definitely talking about the issues that were brought up regarding homelessness. We certainly do not want to penalize them; these animals are their little buddies, their best friends, and we do not want to put them in any jeopardy and such.

In conclusion, I just want to thank you again, and I urge your support of this bill. We have an opportunity to improve our laws here in Nevada and give added protections for our pets. I want to thank Penny for coming out. I was reaching out to friends and relatives, saying, hey, if you have your dog, we are having this wonderful hearing, and we would love to have them come in. Thank you for your hearing the bill, and we will be working on tightening up some of this language to provide more clarity, as discussed, and we will hopefully see you again soon. Thank you.

Chair Cohen:

I will close the hearing on A.B. 86. I will open up public comment. Is there anyone in Carson City, Las Vegas, or Elko for public comment? Seeing no one, is there anyone on the phone? Hearing no one, I will take the Chair's prerogative for my own public comment. I will remind everyone, in case you have any constituents who reached out to you or any concerns from anyone who is unhoused about taking care of their animals in Clark County, we have a great organization called Street Dogz that specifically works with helping people who are unhoused maintain their pets and keep those pets in as nice a condition as possible. I have not worked with the organization, but I have heard some very nice things about them. I want to pass that around because I know we often hear from our constituents about concerns for different pets, whether it is their pets or pets that they see around the neighborhood.

I will remind everyone we have a deadline coming up. If you have any bills that are outstanding and you are still working on amendments, please make sure to get that work done. With that, we are adjourned [at 6 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Lesley E. Cohen, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed conceptual amendment to Assembly Bill 86, submitted and presented by Assemblywoman Melissa Hardy, Assembly District No. 22.

[Exhibit D](#) is a letter dated April 2, 2023, submitted by Bari Levinson, Co-Chair, Legislative Committee, Toiyabe Chapter, Sierra Club, in support of Assembly Bill 86.