

THE WILD HORSE & BURRO INITIATIVE

Explanation: Language in ***boldface italics*** is to be added and language in brackets ~~[deleted language]~~ is to be deleted.

WHEREAS Nevada has the largest population of wild horses and burros

WHEREAS herd management areas have been reduced

WHEREAS the herd management areas and herd areas are intermingled with state and ~~private~~ **public** land

WHEREAS wild horses and burros travel across boundary lines

WHEREAS disposal of wild horses by selling to meat processing or for the purpose of slaughter is in violation of 1971 Free Roaming Act

WHEREAS wild horses and burros are of cultural significance to Nevada

In the interest of protecting wild horse and burro populations and habitats

THE PEOPLE OF NEVADA DO ENACT AS FOLLOWS:

Sec. 1 Chapter 501 is hereby amended to read

NRS 501.097 "Wildlife" defined. "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. *The term shall include wild horses and burros as defined by this chapter.* (Added to NRS by 1969, 1350; A 1987, 560; 1991, 259; 2007, 1798)

"Wild horses and burros" means any horse, mule, burro, ass or other animal of the equine species that is found to be roaming freely on within the boundaries of Nevada regardless of jurisdiction that has no signs of domestication and was likely or can be proven to be born in the wild.

NRS 501.110 Classification of wildlife.

1. For the purposes of this title, wildlife must be classified as follows:

- (a) Wild mammals, which must be further classified as either game mammals, fur-bearing mammals, protected mammals or unprotected mammals. ***Wild horses and burros as defined by this chapter are designated as protected.***
- (b) Wild birds, which must be further classified as either game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.
- (c) Fish, which must be further classified as either game fish, protected fish or unprotected fish.
- (d) Reptiles, which must be further classified as either protected reptiles or unprotected reptiles.
- (e) Amphibians, which must be further classified as either game amphibians, protected amphibians or unprotected amphibians.
- (f) Mollusks, which must be further classified as either protected mollusks or unprotected mollusks.
- (g) Crustaceans, which must be further classified as either protected crustaceans or unprotected crustaceans.

2. Protected wildlife may be further classified as either sensitive, threatened or endangered.

3. Each species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, species may be moved from one classification to another ***except as otherwise provided in subsection 1(a).***

[Part 1:101:1947; 1943 NCL § 3035.01]—(NRS A 1959, 361; 1969, 1347; 1971, 1381; 1977, 76; 1987, 560; 1991, 259)

NRS 501.171 Appointment and qualifications of members; officers.

1. A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any other time.

2. After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission:

- (a) One member who is actively engaged in and possesses experience and expertise in advocating issues relating to conservation;
- (b) ***One member who is actively engaged in and possesses experience and expertise in wild horses and burros;***
- (c) One member who is actively engaged in farming;
- (d) One member who is actively engaged in ranching;
- (e) One member who represents the interests of the general public; and
- (f) Four members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.

Sec. 2 Chapter 569 is hereby amended to read

NRS 569.0085 "Livestock" defined. "Livestock" means:

1. All cattle or animals of the bovine species;
 2. All horses, mules, burros and asses or animals of the equine species (*with the exception of wild horses and burros as defined by chapter 501.097*);
 3. All swine or animals of the porcine species;
 4. All goats or animals of the caprine species;
 5. All sheep or animals of the ovine species;
 6. All poultry or domesticated fowl or birds; and
 7. All alternative livestock.
- (Added to NRS by 2003, 2152)

Sec. 3 Chapter 574 is hereby amended to read

NRS 574.100 Torturing, overdriving, injuring or abandoning animals; failure to provide proper sustenance; requirements for restraining dogs and using outdoor enclosures; horse tripping; penalties; exceptions.

1. A person shall not:
 - (a) Torture or unjustifiably maim, mutilate or kill:
 - (1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or
 - (2) Any cat or dog;
 - (b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;
 - (c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;
 - (d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;
 - (e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or
 - (f) Abandon an animal in circumstances other than those prohibited in NRS 574.110.
2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:
 - (a) Using a tether, chain, tie, trolley or pulley system or other device that:
 - (1) Is less than 12 feet in length;
 - (2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or
 - (3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;
 - (b) Using a prong, pinch or choke collar or similar restraint; or
 - (c) For more than 14 hours during a 24-hour period.
3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.
4. The provisions of subsections 2 and 3 do not apply to a dog that is:
 - (a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;
 - (b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;
 - (c) Receiving training to hunt a species of wildlife in this State;
 - (d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;
 - (e) Being kept in a shelter or boarding facility or temporarily in a camping area;
 - (f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;
 - (g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or
 - (h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.
5. A person shall not:
 - (a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or
 - (b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.
6. A person who willfully and maliciously violates paragraph (a) of subsection 1:
 - (a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.
 - (b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.
7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:
 - (a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:
 - (1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and
 - (2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and
- (2) Perform not less than 100 hours, but not more than 200 hours, of community service.

Ê The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

- (a) Tripping such an animal to provide medical or other health care for the animal; or
- (b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

12. Organizations and entities in charge of the care of animals are also subject to the provisions of this chapter. Penalties shall be determined by a court.

[Part 6:75:1873; B § 2487; BH § 4781; C § 4873; RL § 1378; NCL § 3236] + [Part 6:178:1919; 1919 RL p. 3394; NCL § 10574]—(NRS A 1981, 672; 1991, 491; 1999, 2518; 2009, 738; 2011, 1605; 2013, 2174)

NRS 574.120 Failure to provide proper air, food, shelter or water to impounded animal unlawful; penalties.

1. A person who has impounded or confined any animal shall not refuse or neglect to supply to the animal during its confinement a sufficient supply of good and wholesome air, food, shelter and water.

2. A person who violates subsection 1:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and
- (2) Perform not less than 48 hours, but not more than 120 hours, of community service.

Ê The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and
- (2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other fine or penalty provided in subsection 2, a court shall order a person convicted of violating subsection 1 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, including, without limitation, money expended for veterinary treatment, feed and housing.

4. If any animal is at any time impounded as provided in subsection 1, and continues to be without necessary food and water for more than 12 successive hours, any person may, as often as it is necessary, enter into and upon any pound in which the animal is so confined and supply it with necessary food and water, so long as it remains so confined. Such a person is not liable to any action for such entry, and the reasonable cost of such food and water may be collected by the person from the owner of the animal, and the animal is not exempt from levy and sale upon execution issued upon a judgment therefor.

5. Organizations and entities in charge of the care of animals are also subject to the provisions of this chapter. Penalties shall be determined by a court.

[8:178:1919; 1919 RL p. 3395; NCL § 10576]—(NRS A 2001, 2890)

DESCRIPTION OF EFFECT

Wild horses and burros are of cultural significance to the state of Nevada. Special designation needs to be created to protect wild horses and burros - the progeny of horses and burros brought to America by Spanish explorers and also horses and burros who served during the mining boom of 1800s – that fossil evidence has proven originated here in North America during prehistoric times.

Nevada has the largest population of wild horses and burros. Wild horses and burros travel across boundary lines because herd management areas have been reduced and are intermingled with herd areas, state, and private land.

The laws now designate wild horses and burros as “feral” or “formerly domesticated with no signs of domestication.” The changes proposed by this initiative – including designating horses and burros determined to be “feral” as also “wild” will protect horses and burros from danger of slaughter and ensure care standards for wild and free roaming horses and burros being held in Nevada. The proposed changes do not affect “estrays” defined as “formerly domesticated horses found with signs of domestication.”

County of _____

(Only registered voters of this county may sign below)

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AFFIDAVIT OF CIRCULATOR

(TO BE SIGNED BY CIRCULATOR)

STATE OF NEVADA)

)

COUNTY OF _____)

I, _____, (print name), being first duly sworn under penalty of perjury, depose and say:

- (1) that I reside at _____
(print street, city and state);
- (2) that I am 18 years of age or older;
- (3) that I personally circulated this document;
- (4) that all signatures were affixed in my presence;
- (5) that I believe them to be genuine signatures; and
- (6) that each individual who signed was at the time of signing a registered voter in the county of his or her residence.

Signature of Circulator

Subscribed and sworn to or affirmed before me this _____ day of _____, _____, by

_____.

Notary Public or person authorized to administer oath