

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

**Eighty-Second Session
June 1, 2023**

The Committee on Natural Resources was called to order by Chair Lesley E. Cohen at 4:06 p.m. on Thursday, June 1, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chair
Assemblywoman Natha C. Anderson, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Bea Duran
Assemblyman Bert Gurr
Assemblywoman Selena La Rue Hatch
Assemblyman Howard Watts
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

Assemblyman Rich DeLong (excused)
Assemblywoman Alexis Hansen (excused)

GUEST LEGISLATORS PRESENT:

Senator Lisa Krasner, Senate District No. 16



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

John Ocegüera, representing Reno-Sparks Indian Colony
Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department
James Settelmeyer, Director, State Department of Conservation and Natural
Resources

Chair Cohen:

[Roll was called. Rules and protocol of the Committee were reviewed.] We have one bill and a work session today. I will open the hearing on Senate Bill 364 (2nd Reprint) and invite Senator Krasner to begin her presentation.

**Senate Bill 364 (2nd Reprint): Makes various changes relating to cultural remains.
(BDR 33-533)**

Senator Lisa Krasner, Senate District No. 16:

I am honored to have with me as my copresenter, former speaker Mr. Ocegüera. Today we are going to be talking about Senate Bill 364 (2nd Reprint). This bill says that if remains are found that are thought to be ancient Native-American Indian remains, a member of the tribe can go out and say a prayer over them. It is called repatriation. I thought this was going to be a simple bill and I called it that; that is what cursed it. It has turned into a not-so-easy bill, but I am still going to start from the top.

I was asked to bring this bill by one of the members of the 28 Indian tribes here in Nevada. I was told that the current procedure when human bones are found that appear to be ancient cultural remains, is that a sheriff would go out and put the remains in a box and bring them back to the coroner's office. The Native-American Indians would like to go out to the site at the same time as the sheriff and say a prayer over the remains.

The amendment that you have before you that is dated May 24, 2023, submitted by Senator Lisa Krasner, has the language that is accepted by all parties and removes the fiscal note in Senate Finance [[Exhibit C](#)]. When a new amendment came back from Legal, which I received last night at 10:30, there was a scrivener's error. This is the correct amendment, [[Exhibit C](#)], this is the correct language, and this is what all parties want to proceed with. I will now turn it over to Mr. Ocegüera, and I am certainly happy to answer any questions.

John Oceguera, representing Reno-Sparks Indian Colony:

We had proposed similar legislation in 2017 for the Reno-Sparks Indian Colony. It was Senate Bill 244 of the 79th Session that started this process. Unfortunately, we have never had regulations drafted. Long story short, we want to do two things in this bill: First, make sure that the regulations are drafted; and second, we found over the period of the last four or five years that a lot of times law enforcement was the first to go out on these scenes. We want to give law enforcement some direction on what they should do when they go to these scenes. This bill gives them the direction that they can either notify the tribe in their county or notify the Office of Historic Preservation (SHPO), State Department of Conservation and Natural Resources (DCNR). That is basically what we are trying to do.

There was an error in drafting the latest amendment. We are trying to make sure that we can get this done. Through some great conversations with Mr. Settlemeyer, we were able to come up with the Nevada Indian Commission doing the consultation and SHPO would do the regulations; and we would have that put behind us. It really is a simple bill, but it has been difficult to put it together. I stand open for questions.

Chair Cohen:

I want to make sure that we are all on the same page of where the bill is. If law enforcement finds remains that they suspect are Native American, what are they going to do?

John Oceguera:

Law enforcement would consult with a representative of the Indian tribe located within the county where the remains are found or notify the SHPO.

Chair Cohen:

Are we taking out the Nevada Indian Commission?

John Oceguera:

Correct.

Chair Cohen:

That is different than the amendment [[Exhibit C](#)].

John Oceguera:

The amendment that we put in was the Nevada Indian Commission would do the consultation for the regulations. However, in the error of drafting, it was put in that the Nevada Indian Commission would be who you would notify, and that was not our intent.

Chair Cohen:

That is why I am somewhat confused. The amendment that we have shows in section 1, the word "communicating" is crossed out, and it reads, "The work of consulting with the Tribes will be done by the Nevada Indian Commission."

Senator Krasner:

The amendment that you have in your hand is on Nevada Electronic Legislative Information System (NELIS), is dated May 24, 2023, and was heard on May 30, 2023, in the Senate Committee on Finance. That is the amendment that all parties have agreed to. In section 1, it would say, "The work of consulting with the Tribes will be done by the Nevada Indian Commission. The Department of Conservation and Natural Resources will do the regulations, without further consultation." The part about law enforcement stays the same.

John Ocegüera:

I believe the confusion is that the amendment says section 1, and I think it was section 3.

Senator Krasner:

The amendment changes section 3 to say, "No later than December 31, 2023, the Office of Historic Preservation of the State Department of Conservation and Natural Resources shall submit to the LCB regulations to carry out the provisions of NRS 383.150 to 383.440, inclusive, and section 1 of this act, as required pursuant to NRS 383.440, as amended by section 2 of this act." The rest remains the same. The part in section 1, subsection 1 regarding law enforcement remains the same.

Assemblywoman Bilbray-Axelrod:

I am confused. I have a copy of the amendment. I understand that we are changing "communicating" to "consulting." Are we keeping these other subsections of section 1?

Senator Krasner:

Yes, everything else will stay the same. Section 1 will read the same.

Assemblywoman Bilbray-Axelrod:

With the exception of changing the word to "consulting."

Senator Krasner:

That is correct.

Assemblywoman Bilbray-Axelrod:

We are not striking any of this language in section 1, other than that one word. Is that correct?

Senator Krasner:

You are looking at the most recent version of the bill.

Assemblywoman Bilbray-Axelrod:

Yes, I am looking at Senate Bill 364 (2nd Reprint).

Senator Krasner:

That is wrong; that is the one that I received last night with the scrivener's error. If you look at the first reprint of the bill, section 1 remains the same except for the change that I have on the amendment [[Exhibit C](#)] that is on NELIS and is dated May 24, 2023. That language should be inserted. The rest of the bill from the first reprint remains the same.

Assemblywoman Bilbray-Axelrod:

I am looking at the first reprint now, which includes Amendment 813 which was adopted. Is that amendment okay?

Assemblywoman Krasner:

Yes, that is a previous amendment.

Assemblywoman La Rue Hatch:

I am also looking at the first reprint. I want to put this into common parlance. A law enforcement agent is called out because of remains. When they see those remains, they are not going to communicate with the Nevada Indian Commission, they are going to find the local tribe and they are going to call their chairman directly. Are they going to have a list of all of the chairmen's numbers so they can communicate with them directly? If that is the case, where does the Nevada Indian Commission come into that scenario?

Senator Krasner:

I believe you may be looking at the second reprint of the bill, which is not what we intended, and it has scrivener errors in it.

Assemblywoman La Rue Hatch:

Regardless of whichever version, can you tell me what are the intended steps?

Senator Krasner:

If a law enforcement agency goes to a location where human remains are found that are reasonably believed to be Native Indian, the law enforcement agency must, as part of an investigation, communicate with a representative of an Indian tribe located within the county where the remains are found, or notify the Office of Historic Preservation.

The work of consulting with the tribes will be done by the Nevada Indian Commission. The State Department of Conservation and Natural Resources will do the regulations without having to do further consultation with the Indian tribes.

Assemblywoman La Rue Hatch:

I want to clarify. The consultation with the tribes that you are talking about with the Nevada Indian Commission is only when they are making the regulations.

Senator Krasner:

Correct. One important factor that I forgot to let you know about is that in the last 10 years, this has happened one time.

Assemblyman Gurr:

If it has only happened once in 10 years, why are we putting it in law? Why do we have to do this? Why not just put it in regulation with the State Department of Conservation and Natural Resources, and not make another law that we really do not need, if it has only happened once in 10 years.

Senator Krasner:

We do just want to make a regulation and put it in statute. In order to do that, you have to go through the legislative process.

Chair Cohen:

This is something that is very important. It might not happen often, but for the tribes, I would imagine it is something very important and we need to respect the remains of people who have come before us.

Assemblyman Gurr:

I am wholeheartedly behind that. If we could eliminate making more laws, I got the impression that we could do it some other way. I am firmly behind the idea of making sure everybody is taken care of.

Chair Cohen:

I think we are going to have Ms. Sturdivant go through what the amendment will do so that we are all on the same page.

Erin Sturdivant, Committee Counsel:

Just to make sure that we draft the amendment correctly, my understanding is, if we are looking at reprint one, section 1 stays the same from reprint one, and it would be section 2, subsection 2, which requires that the regulations must be developed in consultation with Indian tribes. That would then say the Nevada Indian Commission shall consult with Indian tribes and incorporate the values, beliefs, and traditions, and then provide that consultation to the Office of Historic Preservation. The Historic Preservation Office would develop the regulations. They have the information from the consultation, but they are not required to do anything further.

Senator Krasner:

If you are looking at the first reprint and you are looking at the amendment [[Exhibit C](#)] that was submitted by me dated May 24, 2023, it will fit in as paragraph (c). It will be section 1, subsection 1, paragraph (c).

Erin Sturdivant:

To clarify, section 1, subsection 1 requires the law enforcement agency to communicate with a representative of an Indian tribe and notify the office. What is the Nevada Indian Commission consulting with for the purposes of section 1?

John Ocegüera:

For the purposes of section 1, the Nevada Indian Commission is not involved. That was the error in drafting. The Nevada Indian Commission is not involved in that part at all. They are only involved in the regulation portion of this.

Senator Krasner:

That would come under section 1, subsection 1, paragraph (c). Right now, we have section 1, subsection 1, paragraphs (a) and (b). It is pretty simple actually, but it gets convoluted when you start looking at multiple bills and reprints. Thank you, Chair, for your comment. That is the reason I wanted to carry this bill because think if it was your ancestors' remains, you would want to be able to go out and say a prayer over them. I appreciate what you said about trying to be respectful to everyone.

Chair Cohen:

I think we might still have some drafting questions and some confusion as to where things are going to go in the amendment, but because we have a lot of Committee members who are going to need to go to other committees, I want to make sure everyone is heard from. I would like to move on to support. Is there anyone in Carson City in support?

**Beth Schmidt, Director-Police Sergeant, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We are very much in support of this bill. We have worked very closely with the sponsors, and I want to thank Senator Krasner for bringing this bill. I think it will reduce some confusion, improve the communication, and overall, I think it will help us to be respectful when law enforcement comes across cultural remains and how we recover them.

Chair Cohen:

I know that remains deteriorate. If there is a 100-year-old body found in the desert, is an officer going to see right away that this is not just your average murder out in the desert? Is an officer going to see it and know it is a body that has been there for 100 years or so?

Beth Schmidt:

I had a number of discussions with the Nevada Sheriffs' and Chiefs' Association, because this is more of an issue for rural law enforcement agencies. The question that was asked was: How do you know that this is not a murder scene? The answer that I got from just about everybody was, it is incredibly obvious. First of all, there are hardly any bones left and what they are seeing are arrowheads, things like that. They are seeing artifacts. That is really the guide.

Chair Cohen:

Seeing no one else in support in Carson City or Las Vegas, is there anyone on the phone? Hearing no one, is there anyone in Carson City or Las Vegas in opposition? Seeing no one, is there anyone on the phone? Hearing no one, is there anyone in neutral in Carson City?

James Settelmeyer, Director, State Department of Conservation and Natural Resources:

There are two aspects of this bill as you have realized. One is talking to law enforcement when you find remains. The other aspect has to deal with SHPO. I am only here to talk about SHPO, which falls under DCNR. This bill, a long time ago, in a different version, dealt with the Department of Tourism and Cultural Affairs. They were instructed, they shall promulgate regulations and consult and discuss with the tribes. At that time, there were 27 tribes; now there are 28. There was a fiscal note on the bill back then.

The State Department of Conservation and Natural Resources somehow previously had different words put into their section that said: Shall, as necessary, promulgate regulations. The previous administration for some reason did not feel it was necessary. Therefore, they did not promulgate regulations because they saw the work that was done by Cultural Affairs and determined they did not necessarily want to have 27 meetings.

That is where the change in the wording is now, to make sure that we do the regulations. However, that generated a fiscal note because we would be traveling to have discussions with the tribes. Therefore, to avoid the fiscal note, the Nevada Indian Commission decided that they would do said consultations. We agreed upon that and were willing to remove the fiscal note. If the amendment that is before you is not adopted—I agree with Ms. Sturdivant—it probably makes more sense to have that discussion of communication or consultation in section 2, not to be confused with the upper portion, which is only discussing what you do when you find remains. I am only concerned with the other section dealing with consultation and getting all the information necessary gathered to submit to LCB to promulgate the regulations. Hopefully I did not further confuse this, and I stand for any questions.

Assemblywoman Anderson:

Thank you, Director Settelmeyer, for coming up to clarify. Although I recognize that it is late in the session and there are some who would like to say this is confusing, in fact it is not. If I am understanding correctly, this is making sure that we get the language right, so it is being done in every single tribe in a consistent fashion, and also making sure that regulations are done through your office. Am I understanding that correctly, with the regulations being done with your guidance through your office?

James Settelmeyer:

The amendment will ensure that all of the tribes in the state of Nevada have input, discussion, and consultation into the development of regulations and making sure to address their issues and concerns across the entire state of Nevada. Trying to find a common opinion among the 28 tribes, which as we know, once you add more than 10 people, things sometimes get difficult trying to find common ground. This bill seeks to allow the Nevada Indian Commission to have that consultation, find a compromise, and find what everyone can agree upon. They will then submit that report to SHPO, which will then give it to LCB to promulgate regulations that will be adopted. The reason for the date is they desire this to be

done quicker rather than later, and I agree. I hope it is done in a quick time frame. It took Cultural Affairs 2.5 years, and that seems a little problematic to me. This is an issue; we should solve it now, not in a couple of years.

Assemblywoman Anderson:

Very quickly, this is a way for us to honor the people in the past and also honor the different tribal nations that have been impacted by some of these items, if I am understanding you correctly. It can just be a yes or no answer if that is straight to the point and making sure that we make it nice and clean that way.

James Settelmeyer:

To the best of our ability, yes.

Chair Cohen:

Thank you. With that, is there anyone on the phone wishing to testify in neutral? Hearing no one, would the sponsor like to make any closing comments? I am getting the wave off; however, I will ask you to continue to work with Ms. Sturdivant to make sure we have got that language right. I will close the hearing on Senate Bill 364 (2nd Reprint).

Committee, we will go forward with our work session on Senate Bill 88.

Senate Bill 88: Requires the Joint Interim Committee on Natural Resources to conduct an interim study of certain state agencies. (BDR S-345)

Becky Peratt, Committee Policy Analyst:

Senate Bill 88 requires the Joint Interim Standing Committee on Natural Resources to conduct a study during the 2023-2024 Interim concerning state agencies that regulate natural resources [[Exhibit D](#)]. There are no amendments for this measure.

Chair Cohen:

Are there any questions? Seeing none, I will take a motion to do pass Senate Bill 88.

ASSEMBLYWOMAN ANDERSON MADE A MOTION TO DO PASS
SENATE BILL 88.

ASSEMBLYWOMAN BILBRAY-AXELROD SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN DELONG AND HANSEN
WERE ABSENT FOR THE VOTE.)

I will take the floor statement. With that, we are moving on to public comment. Do we have anyone for public comment in Carson City or Las Vegas? Seeing no one, is there anyone on the phone? [There was no one.] I do not think we are going to have any more bills, but you never know. I think we will possibly have another work session. Stay tuned for that, and we are adjourned [at 4:37 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 an amendment to [Senate Bill 364 \(2nd Reprint\)](#) dated May 24, 2023, submitted and presented by Senator Lisa Krasner, Senate District No. 16.

[Exhibit D](#) is the Work Session Document for [Senate Bill 88](#), submitted and presented by Becky Peratt, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.