

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

**Eighty-second Session
March 28, 2023**

The Senate Committee on Natural Resources was called to order by Chair Julie Pazina at 3:35 p.m. on Tuesday, March 28, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Julie Pazina, Chair
Senator Melanie Scheible, Vice Chair
Senator Edgar Flores
Senator Pete Goicoechea
Senator Ira Hansen

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Sturdivant, Counsel
Donna Crawford Kennedy, Committee Secretary

GUEST LEGISLATORS PRESENT:

Senator Lisa Krasner, Senatorial District No. 16
Senator James Ohrenschall, Senatorial District No. 21

OTHERS PRESENT:

Alan Jenne, Director, Nevada Department of Wildlife
Mel Belding
Joel Blakeslee, Southern Nevada Coalition for Wildlife
Steve Walker, Eureka County
Larry Johnson, Coalition for Nevada's Wildlife, Inc.
Karen Layne, DPA, Las Vegas Humane Society
Cadence Matijevich, Washoe County Manager

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Jeff Rogan, Clark County
David Cherry, City of Henderson
Erica Roth, Washoe County Public Defender's Office
John Piro, Clark County
Victor Zavade, Clark County Animal Control
John Ocegüera, Reno-Sparks Indian Colony
Will Adler, Pyramid Lake Paiute Tribe
James Phoenix, Chairman, Pyramid Lake Paiute Tribe
James Settelmeyer, Director, Nevada Department of Conservation and Natural Resources

CHAIR PAZINA:

We will open the meeting with a presentation from the Nevada Department of Wildlife.

ALAN JENNE (Director, Nevada Department of Wildlife):

The mission of the Nevada Department of Wildlife (NDOW) is shown in my presentation ([Exhibit C](#) contains copyrighted material. Original is available upon request of the Research Library.)

To protect and serve, manage and restore wildlife and its habitat for the aesthetic, scientific, educational, recreational and economic benefits to citizens of Nevada and the United States, and to promote the safety of persons using vessels in the waters of Nevada.

The NDOW has 3 regions, 7 divisions and 329 employees, which includes 9 Board of Wildlife Commissioners and approximately 50 seasonal employees.

We are one of the smallest wildlife agencies in the U.S., especially considering the amount of land we cover. Our people are very purposeful and passionate. Nevada is the seventh largest State with over 85 percent federal land and is among the 5 smallest wildlife agencies in the Nation.

As you have heard from other State agencies, we have a 20 percent vacancy rate, with a 26 percent vacancy rate in our law enforcement division. We have 150 buildings spread across the State, 33 radio sites, 14 wildlife management areas that manage over 157,000 acres, 8 major facilities and 4 hatcheries.

We are the only State responsible for the conservation of nearly 900 wildlife species. Our Law Enforcement Division is comprised of Category 1 peace officers responsible for public safety on waterways and enforcement of wildlife laws.

Often, when people think of game wardens, they do not think of them as Category 1 peace officers. Not everyone understands that our game wardens are those law enforcement officers on the water. For example, when you think about Lake Mead and Lake Mojave, our game wardens are trying to save people, enforce boating laws and are concerned with citizen safety.

We are charged with participating in the federal National Environmental Policy Act (NEPA) processes as subject matter experts and the State authority for wildlife in Nevada.

We have a unique funding model when you compare us to many other State agencies. Over 95 percent of our budget consists of user-derived funds including federal funding from the Pittman-Robertson Act derived from excise taxes on guns, ammunition and archery equipment; and the Dingle-Johnson Act derived from excise taxes on motorboat fuel, small engine fuel, fishing tackle, and electric outboard motors and tariffs on imported yachts and fishing equipment. We also receive U.S. Coast Guard funding for public and boating safety. Federal funds comprise 49 percent of our budget. State license and tag sales and other State fees comprise another 48 percent of funding; only 2 percent of our agency budget is supported by the General Fund.

The Director's office includes Fiscal Services, Centralized Costs, Human Resources and Engineering and Facilities. The proposed budget for the next biennium in fiscal year (FY) 2023-2024 is \$9,935,974 and FY 2024-2025 is projected at \$9,699,997.

The Nevada Board of Wildlife Commissioners is comprised of nine gubernatorial appointees, each with a three-year term with a two-term limit. It was established under *Nevada Revised Statutes* (NRS) 501.171, and consists of one conservationist, one farming representative, one ranching representative, one public representative and five members who, during at least the three of the four years immediately preceding their appointment, held a resident license to fish or hunt or both in Nevada.

The broad policies for wildlife management and boating safety are stated under NRS 501.181.

The Wildlife Commission is the central body that hears recommendations from NDOW, county advisory boards and the public. The recommendations are then considered for development and guidance in policy and regulations. Those recommendations are then sent to NDOW to implement and enforce the regulations.

Data and Technology Services is the division that collects 85 percent of the NDOW's sportsman's revenue for hunting and fishing licenses. In 2022, big game applications generated over \$14 million in seven weeks. The call center receives over 23,000 calls annually from the public. Fifteen counter staff perform 2,100 inspections of vessels across the State annually. Their budget for FY 2023-2024 is \$5,185,166 and FY 2024-2025 is \$5,156,647.

The Conservation Education Division oversees education for NDOW, sharing information and communication on all things wildlife. People born after January 1, 1960, are required to participate in hunter education before receiving a hunting license. The program is supported by 300 instructors whose volunteer time provides the grant match to teach the program. We also have an Urban Wildlife Program, which received 4,703 wildlife calls in 2022. Most calls were regarding black bears, waterfowl and coyotes. Staff spent an estimated 7,311 hours and traveled 43,878 miles resolving urban wildlife issues during 2022. The Conservation Education Division budget for FY 2023-2024 is \$4,767,032 and FY 2024-2025 is \$4,901,258.

The Law Enforcement Division includes wildlife enforcement, boating enforcement, public safety, boating education, dispatch services and radio technology. The Division's game wardens are the smallest force of conservation officers per square mile in the U.S. In 2022, game wardens contacted 10,035 hunters, anglers and trappers with 595 wildlife violations and 125 firearms violations. Their budget for FY 2023-2024 is \$8,566,992 and FY 2024-2025 is \$8,549,342.

The Game Management Division, consisting of a veterinarian, biologist and a wildlife technician who conduct surveillance for a variety of wildlife diseases, is charged with wildlife health. Two full time biologists respond to citizens' complaints about black bears. Game Management has two helicopter pilots who

fly approximately 1,200 hours per year doing wildlife surveys and delivering materials and water.

The Nevada moose population has been growing. Records of moose in Nevada date back to the 1950s. In 2023, aerial surveys documented 54 moose. The goal for NDOW is to maintain and improve the abundance and distribution of moose, allow natural expansion into suitable but unoccupied habitats and identify and encourage recreational opportunities for all users.

The Game Management budget for FY 2023-2024 is \$10,702,602 and FY 2024-2025 is \$10,409,491.

The Fisheries Management Division has responsibility for 500 fishable waters with more than 30 different game fish in Nevada. There are also 100 species of native fish and amphibians in Nevada, 27 of which are federally listed.

We have four fish hatchery facilities; three raise and rear trout for sportfishing and one rears native species for the lower Colorado River Basin. Their budget for FY 2023-2024 is \$11,869,565 and FY 2024-2025 is \$9,787,942.

The Wildlife Diversity Division manages the nongame terrestrial species, including reptiles, mammals and most birds. Of the roughly 900 distinct species, 267 are designated as species of greatest conservation need. The Wildlife Diversity team represents NDOW on the Lake Tahoe Environmental Improvement Program. Wildlife Diversity's budget for FY 2023-2024 is \$2,458,309 and FY 2024-2025 is \$2,498,749.

The Habitat Division consists of 39 positions. They are NDOW's lead for comment within NEPA, and comment on over 500 projects annually. They manage and monitor 88 industrial artificial pond permits. Two water crews maintain approximately 1,700 water developments. The Division has 13 designated wildlife management areas totaling 157,112 acres across the State. Since 2018, they have restored or rehabilitated more than 505,000 acres of habitat. The Habitat Division budget for FY 2023-2024 is \$12,712,723 and FY 2024-2025 is \$12,793,359.

Some of NDOW's recent accomplishments include creation of HuntNV and FishNV apps to provide recreation information; establishment of Carson Lake and Argenta Wildlife Management areas; creation of the Mule Deer Enhancement

Program with approval of 37 projects in 2021-2022; and implemented approximately 62,862 acres of rehabilitation efforts between the fall of 2021 and the spring of 2022. We were also able to furnish all the game wardens with body cameras; simplified and modernized the tag and license system which increased the number of participants and revenue; completed urban fishing access to Lennar Pond and the 12th Street Pond; and completed a 5-year NDOW strategic plan.

The Nevada Department of Wildlife faces several challenges. The most important short-term challenge is employee recruitment and retention. We also have the ongoing challenges of drought, habitat loss and conservation.

SENATOR GOICOECHEA:

You have three hatcheries that raise and rear trout for sportfishing. Do you buy other sport fish out of state? Will you bring us up to date on the Cave Lake contract?

MR. JENNE:

Yes, we do buy other sport fish out of state. We recently found a vendor in Utah to supply warmwater fish. The Cave Lake contract has been signed. We are expecting that, by the end of this year, we will see the project completed so we can refill that dam.

CHAIR PAZINA:

We will open the hearing on Senate Bill (S.B.) 312.

SENATE BILL 312: Revises provisions relating to wildlife. (BDR 45-743)

SENATOR IRA HANSEN (Senatorial District No. 14):

Senate District No. 14 includes 34,000 square miles in the State, including most of Washoe County, all of Humboldt County, Pershing County, Lander County and large sections of Eureka County and Elko County.

In those counties, hunting is a huge issue. I am a lifetime member of Nevada Bighorns Unlimited (NBU). With me today is another member of NBU, Mel Belding. We will be discussing the bill together. The purpose of the bill is simple. Organizations such as NBU have big banquets as do several other major nongovernmental organizations (NGOs). They often hold auctions where items are sold.

Mr. Belding approached me a few months ago saying there are laws that prevent people from taking animal heads and converting them into various forms of furniture, NRS 501.379 and 502.150. The furniture is often auctioned off with the proceeds used by not-for-profit organizations for their wildlife-oriented projects. That is the main purpose of S.B. 312.

I was reading the Nevada Big Game Application booklet, and in it was a section on shed antlers. The last sentence states it is unlawful to pick up antlers still attached to a skull, called deadheads. I was surprised, I did not know that was illegal. I am going to ask Mr. Belding to explain the intent behind S.B. 312.

MEL BELDING:

I am a lifetime resident of Nevada. We have taken deadheads, whether they are mule deer, elk, bighorn sheep or antelope. We make furniture with them, such as coffee tables surrounded in glass, table lamps, and standing lamps. I recently discovered this is illegal. We had no intention of doing anything illegal, but it is, and that is what should be changed.

Senate Bill 312 would enable an individual to donate a deadhead to an NGO, or a tax-exempt organization like NBU. There are several organizations that would like to take advantage of this opportunity. A person can donate the deadhead to the NGO, and the NGO can get permission from NDOW to offer it for auction or sell it. This bill would also enable someone to keep the deadhead for their own personal use.

SENATOR HANSEN:

There is a conceptual amendment to section 2 of the bill ([Exhibit D](#)). Section 2 states it is illegal for someone who finds a deadhead, or dead skull, to take it home. We want to change that to say that it is not an illegal act if someone finds a deadhead or an antler if they are not going to sell it.

In the original bill in section 2, we struck the first sentence that reads, "The Commission shall adopt regulations for the asking of shed antlers." The conditional amendment leaves that wording in the bill. The Commission has done a tremendous amount of work on this issue and we want that sentence to stay in the bill.

We would add language regarding allowing a person to take or gather shed antlers or skulls or heads with antlers attached for personal or noncommercial

use, whether that person holds a permit tag for the animal. If you find animal remains out in the hills, especially deadheads or skulls, you should be able to take them without fear of getting in trouble with NDOW. However, if you are going to sell the skulls or deadheads, you need a permit.

The Nevada Department of Wildlife's Hunter Education test includes a question about finding a big game animal you believe died of natural causes and asks if you can take the antlers. You cannot take the antlers. We want to change that. If you find a dead animal, you should be able to take the antlers. If you plan to sell the antlers, you still need to take the Hunter Education test. The whole intent of section 2 is to make sure if someone picks up an antler or a deadhead in the hills, unintentionally violating the law, they will not be cited.

We want to make sure it is legal for NGOs to accept a donation of antlers and horns of a big game mammal for display, raffle, or auction whether as a stand-alone item or as part of a piece of furniture. There may be some conceptual items we need to fine-tune a bit in the bill, but the original intent is still there.

SENATOR SCHEIBLE:

I just want to clarify the difference between section 1 and section 2 with the conceptual amendment. I would think that picking up a deadhead to donate it to Bighorns Unlimited would be a noncommercial use; but I did notice that section 1 refers to the whole carcass of a big game animal. I do not know if it is common to find or utilize whole carcasses or if I am missing some other nuance to the reason to spell out the process for doing an auction in section 1.

MR. BELDING:

It does refer to the whole carcass. I am going to submit the request for the antlers and horns or the big game mammal be donated to the nonprofit.

SENATOR SCHEIBLE:

If I am out hiking at Lake Mead and find the carcass of an animal, is it the intent of the bill that I can take that whole thing or only antlers and deadheads?

SENATOR HANSEN:

My understanding is you could, in theory, take the whole carcass. I do not think there is any law against collecting bones in the hills. However, if it looks like somebody was trying to poach it and they shot it out of season, and you come

across a recently deceased animal, you would call a game warden or other law enforcement officer who could investigate to make sure a crime was not committed and that you are not picking up something that is evidence.

SENATOR SCHEIBLE:

What is the difference between me picking up the deadhead and then giving it to Mr. Belding to auction off at Bighorns Unlimited versus going through the process by calling NDOW and getting the permissions required?

SENATOR HANSEN:

When you contact NDOW, they will ask you to fill out a field report. However, that is an interesting point; if we take section 2, we almost do not need section 1.

The original intent of the bill was to ensure that there is no ambiguity about the legality of what Mr. Belding and others were doing. There are two other laws we will have to amend. One is NRS 501.379 dealing with an exception to the unlawful sales of wildlife, which reads:

It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in the title or in a regulation of the Commission.

How do we deal with that? In this case, it is for donated purposes, but it is still a sale. We are working on getting that amendment language cleaned up.

There is a similar provision in NRS 502.150 regarding tags. I am working with the Legislative Counsel Bureau to try to make sure all issues are straightened out. There are exceptions in law; animal pelts such as deer hides are sold. There are items that are perfectly legal to sell now; it is not like this is some novel concept. There are commercial collectors of antlers. We want to make sure that the industry is regulated and they get the correct licensing. There are a few ambiguities in the bill that we are still working on, but we are getting close to getting that all figured out.

SENATOR SCHEIBLE:

I appreciate that. Just for the record, I have no problem with risking redundancy to have clarity and I would support the bill as written with the conceptual amendment. I look forward to whatever other amendments come forward.

SENATOR GOICOECHEA:

I just want to make sure. Is it allowed for a person to take or gather shed antlers and heads with antlers attached for personal or noncommercial use in one of the six counties where hunting is prohibited from January 1 to April 1?

SENATOR HANSEN:

They can be taken only for noncommercial purposes. For example, if a person went to Lincoln County and was hiking and found a deer antler or something like that, under current law, if they took it back to their car and a game warden shows up, they are breaking the law. That would be an unintentional, noncommercial application. This bill would make sure that no crime is being committed by their action.

SENATOR FLORES:

Could you walk through a practical scenario so I can differentiate how somebody can know the difference between someone who is taking it for commercial purposes or if it is just a hiker that found the animal.

SENATOR HANSEN:

The State has the burden of proving if someone is breaking the law. I assume a warden would be watching, and if they saw a person loading a deadhead, the officer would question them. A warden in the field can make a good judgment. For example, he can judge if it is one person who found one antler versus somebody who has four or five sets of antlers. The officer could do a probable cause search for evidence and tell the person with multiple antlers that they have crossed that line and give them a citation.

SENATOR FLORES:

I assume that the commercial people would be a group, and that the game wardens would use common sense when differentiating between the situations.

SENATOR HANSEN:

I agree. The commercial people need a permit. If they are breaking the law, the game warden will cite them.

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CHAIR PAZINA:

We will now hear testimony in support of S.B. 312.

JOEL BLAKESLEE (Southern Nevada Coalition for Wildlife):
I support the concept of this bill.

STEVE WALKER (Eureka County):
Eureka County is in support of this bill and the amendment.

CHAIR PAZINA:

We will open testimony in opposition of S.B. 312.

LARRY JOHNSON (Coalition for Nevada's Wildlife, Inc.):

The Commission spent two years in adopting shed antler regulations and some of this bill conflicts with certain portions. Although I agree with the intent, it needs to be made clear that, for example, the seasons set in those counties are for specific reasons. We had individuals on an ATV chasing bucks and bull elk trying to get them to knock their antlers off so they could collect them. It was during the time of year when the animal's body conditions are at their worst, and their energy levels are low. Whether for commercial or noncommercial purposes, those seasonal provisions need to be evaluated when discussing this bill.

I would ask the bill sponsor to sit down with NDOW and look at potential conflicts and come back with exact amendments. After that, I support this bill going forward.

SENATOR HANSEN:

We are going to add to the NRS to ensure protection for noncommercial people. We have tried to reach out to many organizations and people who may be affected by this bill. The bill has been posted on the Legislative website for some time. We will work with all the people who have been involved in this bill to get it to a point that everyone has a chance to contribute. We want to make sure there is a protection in place for people who innocently pick up antlers or deadheads.

CHAIR PAZINA:

We will close the testimony on S.B. 312 and open the hearing on S.B. 269.

SENATE BILL 269: Revises provisions relating to animal cruelty. (BDR 50-246)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

Senate Bill 269 comes out of a discussion I had with Dr. Karen Layne. It builds upon groundbreaking work in 2009 from former State Senator Randolph Townsend, who sponsored S.B. No. 132 of the 75th Session, which added restrictions on tethering dogs. Senate Bill 269 reexamines some exemptions in the statute that have been there for 14 years. It looks at imposing additional protections for dogs during extreme heat warnings.

There is one friendly amendment ([Exhibit E](#)) proposed by Clark and Washoe Counties that also looks at extreme cold temperatures. Temperature changes are more extreme now than they were in 2009. I will turn this over to Dr. Layne for further explanation of the bill.

KAREN LAYNE, DPA (Las Vegas Humane Society):

As Senator Ohrenschall was saying, the issue has been one of tethering dogs. In the 2009 bill, tethering was used not only for chaining or using a trolley to move the animal, but also to ensure that if animals were kept in cages that the cages would meet the standards, so that the animal could stand up and turn around within that cage.

The amendment, [Exhibit E](#), makes the following changes in NRS 574.100: Section 1, subsection 2, paragraph (c) states that chaining cannot be used during National Weather Service heat advisories or in paragraph (d) for more than 14 hours during a 24-hour period. Heat has become a big issue in both southern and northern Nevada. Clark County and the City of Las Vegas have statutes that do not allow chaining during heat advisories.

In subsection 4, the exemptions are broad and we are asking that paragraphs (b), (c), (e), (f) and (h) be removed. These allow exemption for dogs that are used to legally hunt in Nevada; dogs that are being trained to hunt in Nevada; dogs being kept in a shelter, boarding facility or temporarily in a camping area; dogs that are being cared for as part of a bona fide nonprofit rescue operation; and dogs who are with a person who has control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than an hour.

These exemptions are broad and, after 14 years, some cracks appeared based on these exemptions. For example, Clark County boarding facilities have been an issue in terms of not tethering and the size of cages housing animals.

The amendment from both Clark and Washoe Counties suggests when an animal comes into a shelter, it may be tethered temporarily. That seems reasonable. The other is regarding rescue dogs. There have been issues with rescues in terms of the cage size.

The last area that we propose to delete is about when a person who has custody or control of the dog is engaged in a temporary task or activity. It is strange to limit that to an hour. Washoe and Clark Counties suggested keeping the one-hour limit and adding "if an extreme heat or cold advisory has not been issued for the area by the National Weather Service."

SENATOR GOICOECHEA:

If someone is camping, how do they not tether the dog? Does it make it illegal if the dog is tethered when they leave to go somewhere for a brief time?

DR. LAYNE:

Animal Protective Services operates on a complaint basis. In an urban or rural area, if someone complains about an animal being tethered for more than 14 hours, Animal Protective Services will investigate. Who and how is someone going to make the complaint? It is difficult in urban areas to determine that an animal has been tethered for 14 or more hours. Someone needs to keep a diary of the information to make sure they have the correct time period. I am not sure how that can be restated.

SENATOR GOICOECHEA:

I want to make sure it is on the record that it must be over 14 hours, so that someone in a camping area overnight can tether a dog and not be in violation of this law.

If you have a dog and you are walking your dog more than an hour and you do not know there is a heat or cold warning, does that make you in violation?

SENATOR OHRENSCHALL:

I do not think that covers someone walking their dog because it talks about a person shall not restrain a dog using a tether chain, tie trolley or pulley system or another device that is less than 12 feet in length. If the device is a pulley system, it must allow the dog to move a total of 12 feet, or if the restraint allows the dog to reach a fence or other object it must not cause the dog to become injured or die by strangulation after jumping the fence.

SENATOR GOICOCHEA:

I was just looking at your amendment, and it says, “with the person having custody or control of the dog, if the dog is engaged in a temporary task or activity for more than an hour.” I am looking at the amendment. I am concerned about that. That would put someone in violation if there were a weather advisory.

DR. LAYNE:

If they issue a heat alert in Clark County, it is hot. During the summer, we try to get everyone to walk their dogs early in the morning or late at night because the pavement is hot. When the U.S. Weather Service issues a heat advisory, shelters will open for animals as well as for humans, and people know it is just too hot to walk their animals.

SENATOR GOICOCHEA:

I was looking more at the cold side. Dogs love the cold.

SENATOR FLORES:

I was going to ask how a scenario would arise where somebody is notified, but it is always a third party who is picking up the phone, which triggers that issue. So even if you are hunting or camping, the likelihood of somebody picking up the phone is rare. I wanted to walk through it and I think you have already done that.

CHAIR PAZINA:

We will open testimony in support of S.B. 269.

CADENCE MATIJEVICH (Washoe County Manager):

Washoe County, along with Clark County, proposed the amendment under discussion. As it states in our document, we are looking to accomplish a couple of things. I am going to walk through it and then address some of the concerns that were expressed. The proposed amendment would prevent the restraint of a dog during extreme cold weather events. We recognize that there does need to be some work on defining extreme cold weather events. I reached out to someone I know at the National Weather Service to try to get their guidance on defining extremes in weather. In their many-page glossary, there is not one succinct cold weather definition, but there are several different references. We will try to work on that language.

It also excludes an animal shelter from the provision of the bill while the dog is being processed into the shelter. It restores an exception to the provision of NRS 574.380, subsection 2, paragraphs (c) and (d) currently codified unless there is a heat or extreme cold weather advisory.

Addressing Senator Goicoechea's questions: Our understanding of the intent of this bill would not define tether as a leash used for an activity. That amendment contemplated where a person was working and the animal would be tethered next to them, or some distance away from them to a fixed object. For example, there might be a need to tether the animals so they cannot chase the geese. It was not our intention to prohibit walking with a dog for a period longer than an hour. If there is work that needs to happen on that language to clarify it, we are certainly open to that.

SENATOR GOICOCHEA:

Is it acceptable to use a leash shorter than 12 feet if you are walking a dog or have him with you?

MS. MATIJEVICH:

Yes.

JEFF ROGAN (Clark County):

I agree with everything my colleague from the north said regarding this amendment. Just by way of background, some of the changes we proposed come from current practice. We do not want dogs with unknown temperaments brought into a shelter on a long tether because they will interact with other dogs that are also being processed into the shelter that we do not know. We do not want them to fight.

Regarding temporary tasks for activities of not more than an hour, our concern was our parks. People bring dogs to parks if they are having a picnic or hanging out with their children and their family, and we do not want a 12-foot tether to be the minimum size of the tether because that could interfere with other park users. We want to have a shorter tether of six to eight feet so the dogs are closer to the family and not interfering with other park users. I urge your support of S.B. 269.

DAVID CHERRY (City of Henderson):

The City of Henderson operates an animal shelter and engages in animal control activities. We believe that this amendment improves the bill, and addresses some of our concerns. We look forward to being part of the conversation around the definitions of extreme cold or hot weather. We would like to be sure we understand exactly when and where the advisories are in effect. If we are bringing an enforcement action, we must make sure an advisory was in effect on a specific date.

CHAIR PAZINA:

We will open testimony in opposition of S.B. 269.

ERICA ROTH (Washoe County Public Defender's Office):

My opposition today is specifically about removing the exemptions for rescues. I am in a unique position as both a public defender, where criminal liability could be imposed, and as a dog rescuer. I have fostered ten dogs. I have seen firsthand what happens when dogs are taken from high-kill shelters and placed into temporary, but not ideal, housing situations before they are adopted. I am opposed to removing exemptions for the rescues. We can narrow the specific language to actual conduct by any bad actors in those rescues, but that is where we are opposed.

The other concern is with unhoused pet owners and how this can potentially affect those who are living or sleeping outside. It would determine whether they can tether their animals and for how long.

JOHN PIRO (Clark County):

We share the same concerns the Washoe County Public Defender's Office has expressed and we look forward to working to finding a resolution.

MR. WALKER (Eureka County):

Eureka County would like to remove language that is specific to hunting dogs from section 1, subsection 4, paragraph (b). Lyon County has concerns regarding walking pets during cold or hot weather. Is that a violation? They also have concerns about enforcement.

CHAIR PAZINA:

We will hear testimony in neutral of S.B. 269.

VICTOR ZAVADE (Clark County Animal Control):

I am here for any questions that the Committee may have, not in support or against the bill.

CHAIR PAZINA:

Senator Ohrenschall, would you like to give a closing statement?

SENATOR OHRENSCHALL:

It is not often I get a star witness who flies up from Las Vegas on a day trip. Dr. Layne and I were discussing the bill; we do not believe Senator Townsend's bill in 2009, or this bill, is meant to apply to anyone walking their dog. This bill is for a dog being tethered or being housed in cages. I am certainly committed to working with everybody that has concerns, and hopefully, we can reach a resolution. Dr. Layne will do the closing comments.

DR. LAYNE:

As Senator Ohrenschall mentioned, we will sit down with those who still have some concerns and try to see what we can work out on the bill.

CHAIR PAZINA:

We will close the hearing on S.B. 269 and will open the hearing on S.B. 364.

SENATE BILL 364: Makes various changes relating to cultural remains.
(BDR 33-533)

SENATOR LISA KRASNER (Senatorial District No. 16):

I am here today to present S.B. 364, which regards cultural remains. I was asked to bring this bill by one of the members of the 28 tribes here in Nevada.

I was told that the current procedure is when human bones are found that appear to be ancient cultural remains, a sheriff goes out and puts the remains in a box and brings them back to the coroner's office. The Native American Indians would like to go to the site with the sheriff and pray over the remains. That is the whole bill. There is an amendment ([Exhibit F](#)), which is short and terse. It merely applies to section 1, subsection 1. The current writing on the bill says,

...if a law enforcement agency goes to a location where human remains are found that are thought to be native Indian, the law

enforcement agency must communicate and collaborate with a representative of an Indian tribe.

[Exhibit F](#) changes that to read:

...if a law enforcement agency goes to a location where human remains are found that are thought to be native Indian, the law enforcement agency must communicate and collaborate with a representative of an Indian tribe located in the county where the remains are found or the State Historic Preservation Office (SHPO).

It does not change anything else; it does not make any changes to any other existing law. My co-presenter is former Speaker of the Assembly, John Ocegüera. He is here to answer any questions you might have.

JOHN OCEGUERA (Reno-Sparks Indian Colony):

I am here today representing the Reno-Sparks Indian Colony. Some brief history: the Reno-Sparks Indian Colony brought forth a bill in 2017, S.B. No. 244 of the 79th Session, which sought to clarify and to ensure that American Indian tribes in Nevada were included in private and public forums in which the management, treatment and disposition of American Indian cultural items, human remains, funerary objects, and sacred items of cultural significance were discussed and deliberated. The bill sets forth tribal involvement in those activities.

The most effective way to understand the significance and appropriate management of cultural items and remains is to have meaningful participation and consultation with the tribes. I want to emphasize consultation because that is an important concept in why we bring S.B. 364 forward today.

Like the bill in 2017, this bill attempts to clarify Nevada tribes' participation and respectful handling, disposition and repatriation of cultural items and ancestral remains. The 2017 bill, S.B. No. 244 of the 79th Session, required the office of SHPO, without limitation, to adopt regulations which set forth the process for repatriation of prehistoric American Indian human remains and funerary objects. The regulations should have been developed in consultation with American Indian tribes and incorporated their values, beliefs and traditions. These are the traditions as determined and conveyed by their respective members, in consultation with SHPO. Since 2017, the regulations have not been promulgated nor has meaningful consultation taken place. The Legislature is now, as my

former colleague Barbara Buckley used to say, telling the agency we really, really mean it this time.

Another issue has been that often, when laypersons discover remains, they do not know what to do with them. Usually, their inclination is to call law enforcement. In some cases, when law enforcement or the coroner is called, the remains are boxed up and set on a shelf somewhere. Section 1 of S.B. 364 gives law enforcement guidance in what to do in these situations. As Senator Krasner mentioned in her remarks about the proposed amendment, law enforcement or the coroner can notify SHPO if they are unfamiliar with who to notify at the tribe in their area.

CHAIR PAZINA:

We will open testimony in support of S.B. 364.

WILL ADLER (Pyramid Lake Paiute Tribe):

I want to take this opportunity to thank the Reno-Sparks Indian Colony, and especially Marlette Lake, for all the time spent on this bill and for following through and getting these historical remains and other documentation pieces done and promulgated through regulations. This has been a lengthy process and one that is important to all tribal communities across Nevada.

JAMES PHOENIX (Chairman, Pyramid Lake Paiute Tribe):

Our people are the original inhabitants of the Great Basin and have been here for over 6,000 years. There are certain places throughout the State where our people have lived and died. It should be noted that regulations must be established in consultation with Indian tribes to incorporate the values, beliefs and traditions of the people of the Great Basin, as determined and conveyed by the members of the tribes. Life is precious to us all, and death is just as precious to our people. It is our way of life.

Please take the time to commit to our Native American population here in the Great Basin so that this bill does not go unnoticed or become less of a priority. Please adopt regulations no later than December 31, 2023. In closing, I support S.B. 364.

CHAIR PAZINA:

Seeing no testimony in opposition, we will open testimony in neutral of S.B. 364.

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JAMES SETTELMAYER (Director, Nevada Department of Conservation and Natural Resources):

We are neutral on the bill. The Department of Conservation and Natural Resources houses SHPO. I was unaware of the amendment in section 2 until today. I must go back and try to research that. We do not see any issues within the bill. It will require a little bit of money for implementation. When museums originally did this, it took 19 meetings over a 3.5-year period. I appreciate a deadline to facilitate having meetings in a timelier manner so that we can try to get these regulations done. We may also be able to utilize some of the regulations the museum put forward. I would like to have a time frame and Legislative guidance and get input from interested parties.

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CHAIR PAZINA:

We will close testimony on S.B. 364. Having no further business, we will adjourn this meeting at 5:17 p.m.

RESPECTFULLY SUBMITTED:

Donna Crawford Kennedy,
Committee Secretary

APPROVED BY:

Senator Julie Pazina, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
	C	2	Nevada Department of Wildlife	Presentation
S.B. 312	D	7	Senator Ira Hansen	Conceptual Amendment
S.B. 269	E	12	Senator James Ohrenschall	Proposed Amendment by Clark and Washoe Counties
S.B. 364	F	17	Senator Lisa Krasner	Proposed Amendment