

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

**Eighty-second Session
April 13, 2023**

The Senate Committee on Natural Resources was called to order by Chair Julie Pazina at 4:37 p.m. on Thursday, April 13, 2023, in Room 2144 of the Legislative Building, Carson City, 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

GUEST LEGISLATORS PRESENT:

Senator James Ohrenschall, Senatorial District No. 21

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Sturdivant, Counsel
Cherie Dittler, Committee Secretary

OTHERS PRESENT:

Adam Sullivan, State Engineer, Division of Water Resources, State Department
of Conservation and Natural Resources
Cadence Matijevich, Washoe County

CHAIR PAZINA:

I will open the meeting with [Senate Bill \(S.B.\) 269](#).

[SENATE BILL 269](#): Revises provisions related to animal cruelty. (BDR 50-246)

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On April 4, 2023, the Committee voted to amend and do pass as amended S.B. 269, which revises provisions relating to animal cruelty. I now ask the Committee to reconsider their action. The bill was introduced with two conceptual amendments. During the work session later today, we will reconsider S.B. 269 with only one conceptual amendment that was proposed by both Clark County and Washoe County. I will entertain a motion to reconsider our previous action regarding S.B. 269.

SENATOR GOICOECHEA MOVED TO AMEND AND RECONSIDER S.B. 269.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HANSEN VOTED NO.)

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CHAIR PAZINA:

We will move to the work session on S.B. 88.

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

ALYSA KELLER (Policy Analyst):

I will read the summary of S.B. 88 from the work session document ([Exhibit C](#)).

SENATOR HANSEN:

I am strongly opposed to the concept of establishing a joint interim committee to study certain State agencies. There is a growing fear in rural parts of Nevada that the Joint Interim Standing Committee on Natural Resources will be dominated by Board members selected from the two largest population centers, Clark and Washoe Counties.

I would like to explain my concerns. When the Board of Wildlife Commissioners was established by the Legislature in 1969, the Board was initially envisioned as having only seven members. Years later, Governor Bob Miller appointed several political associates to the Board, and because many of his appointees had no knowledge of how rural Nevada operated, there was controversy on many of the decisions they made.

In 1977, State representatives returned to the Legislature and submitted a bill adding two more board members. In 1989, additional legislation added licensing requirements and other qualifiers so appointees would be selected based on geography and population.

I want to ensure that moving forward, a geographical and population-based formula is used for any committee addressing issues that are important to rural Nevadans. Even though Nevada is one of the smallest states in the U.S., our two U.S. Senators were elected based on both population and geographical boundaries. If all U.S. decisions were based strictly on population with no consideration of boundaries, rural communities would have no voice in any decision.

CHAIR PAZINA:

Hopefully, the Joint Interim Standing Committee on Natural Resources will be composed of some of the people now sitting on this Committee.

SENATOR HANSEN:

I fear that the geographical aspect of Committee appointees will be eliminated. I do not support S.B. 88.

SENATOR GOICOECHEA:

Although I also oppose S.B. 88, I believe it will pass. I hope I am selected for the Joint Interim Standing Committee on Natural Resources, so we can get some direction as we move the bill forward. If we addressed the proposed study as a Legislative Body instead of an interim study, we would get a better result. I am concerned that an interim study could be slanted, depending on who is on the Committee.

CHAIR PAZINA:

I will entertain a motion on S.B. 88.

SENATOR SCHEIBLE MOVED TO DO PASS S.B. 88.

SENATOR FLORES SECONDED THE MOTION.

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THE MOTION PASSED. (SENATORS GOICOCHEA AND HANSEN VOTED NO.)

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CHAIR PAZINA:
We will move to the work session on S.B. 159.

SENATE BILL 159: Revises provisions relating to pest control. (BDR 49-608)

Ms. KELLER:
I will read the summary of S.B. 159 and the amendment from the work session document ([Exhibit D](#)).

After the hearing, a conceptual amendment was proposed by Warren Hardy, Nevada Pest Management Association, deleting the bill as introduced. The amendment is included in the work session document.

SENATOR GOICOCHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 159.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR PAZINA:
We will move to the work session on S.B. 258.

SENATE BILL 258: Revises provisions relating to water. (BDR 48-889)

Ms. KELLER:
I will read the summary of S.B. 258 and the conceptual amendment from the work session document ([Exhibit E](#)).

To correct the record, a conceptual amendment was proposed by Senator Ohrenschall, and not by the Water Strategies Group, as mistakenly noted in the work session document.

SENATOR HANSEN:

I thought the intent of the bill sponsors was that the three-year extension for use of a conservation well was limited to renewable energy-generation projects (REGP). I want to confirm the bill keeps the one-year process in place for every other project.

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

The proposed amendment limits an extension to REGP as defined in *Nevada Revised Statutes* (NRS) 701.080. Senate Bill 258 allows REGP a three-year window to complete their projects. All other projects will only have a one-year window.

SENATOR GOICOECHEA:

I want to confirm the amendment provides a three-year window only for an REGP. Our legal team reviewed the amendment and interpreted subsection 5 as allowing a three-year window for completion of any project. If their legal interpretation is not your intent, you may want to check with the legal team and amend the language.

SENATOR OHRENSCHALL:

I may need to meet with the legal team to clarify the language of the bill, as I intended that the three-year extension would only apply to an REGP.

CHAIR PAZINA:

If you are amendable, we could amend the language right now to clarify that the three-year extension only applies to renewable energy projects as defined in NRS 701.080. We can then vote to do pass as amended.

SENATOR OHRENSCHALL:

I am amenable to that. I would like to propose an amendment that a temporary change may be granted for any period not to exceed three years for an REGP as defined in NRS 701.080.

SENATOR GOICOECHEA:

Since we are tweaking the bill, I want to ensure that NRS 701.080 also reflects the project must be published and noticed.

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SENATOR OHRENSCHALL:

I will verify that subsection 7 requires the project to be published and noticed as I do not see that language in NRS 701.080. There could be another statute that does require publication of notice.

ADAM SULLIVAN (State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources):

I know NRS 533.360 through 533.365 address change applications and protests, but without research, I cannot confirm if publication of notice is included in these statutes.

CHAIR PAZINA:

I would like to hear from legal counsel.

ERIN STURDIVANT (Counsel):

Is your question whether the renewable energy generation project is required to have notice, or is it the temporary change that is required to have notice?

SENATOR GOICOECHEA:

That is really my question. Is that the intent of this—that if you are a renewable energy project and you are applying for more than one year, does that request have to be advertised?

Ms. STURDIVANT:

The language in the conceptual amendment proposed by Senator Ohrenschall requires the State Engineer to publish notice of a renewable energy generation project if it is longer than one year.

SENATOR GOICOECHEA:

I want to make sure we get that on the record because that was my understanding of the intent. If you were going to go beyond the one year and ask for three years, you had to publicize it.

SENATOR OHRENSCHALL:

That is correct.

CHAIR PAZINA:

What I hear is that the Committee is in support of S.B. 258 if the language in subsection 5 is clarified so that a three-year extension only applies to certain

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renewable energy projects. I also hear there is satisfaction with the bill if the Committee adds the additional amendment to subsection 5 of the amendment.

SENATOR GOICOECHEA:

I will support the bill if the language is clarified. My real question is, why are we singling out renewable energy as a project that can benefit from a three-year extension? We can address issue that down the line. I will support the bill today and appreciate your work on it.

SENATOR OHRENSCHALL:

Thank you, sir and thank you to the Committee for hearing this bill.

CHAIR PAZINA:

I will entertain a motion to amend and do pass S.B. 258 with subsection 5 of the amendment we have discussed.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 258 AND CLARIFYING THAT A THREE-YEAR EXTENSION ONLY APPLIES TO CERTAIN RENEWABLE ENERGY PROJECTS IN SUBSECTION 5.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR PAZINA:

We will move to the work session on S.B. 269.

Ms. KELLER:

I will read the summary of S.B. 269 and the amendment from the work session document ([Exhibit F](#)).

Senate Bill 269 was heard by this Committee on March 28, 2023. At the hearing, an amendment was proposed by Clark and Washoe Counties.

SENATOR GOICOECHEA:

The bill discusses the extreme heat or cold that must exist before penalties apply for noncompliance, but the amendment deleted the exemptions that allowed for the use of a dog to lawfully hunt any species of wildlife. Typically, if you are running hounds for hunting, it would be in the winter months when the weather is very cold. I am concerned that the exemption for animals used in a rescue operation was also deleted. Typically, a rescue operation employing animals takes place during extreme weather events.

I am concerned with what was deleted in the bill. The rescue team may need to tether an animal past the one-hour time limit contemplated by the bill. I was more comfortable with the bill as introduced, which specified that if you operate a boarding facility or cared for rescue animals as part of a rescue operation, you were exempted from the one-hour tethering limit. These types of situations are no longer exempted which gives me heartburn.

SENATOR OHRENSCHALL:

I understand your concerns. In my conversations with animal rights activists, it was decided the deleted exemptions were no longer needed. The exemptions have been on the books for a long time, and there were also other exemptions that were not in the best interests of either the animal or the owner that were deleted.

As addressed in NRS 574.100, the prohibition on tethering an animal at no less than 12 feet would not need to be implemented if the animal is used for hunting or rescue work. The exemption for an animal being processed into a shelter remains. I also want to address an error in the amendment, [Exhibit F](#), included with the work session documents that I just discovered.

The representatives from Clark and Washoe Counties prepared a proposed amendment, [Exhibit F](#), with highlighted language that was to be added, but the color-coded version and legend explanation was inadvertently omitted.

CADENCE MATIJEVICH (Washoe County):

I apologize for the confusion. We did some additional work to the amendment between the bill introduction and today and thought the color-coded version of the amendment and legend of explanation had been forwarded to the Committee. We have since realized the correct color-coded version was not submitted.

The sections of the amendment you are referring to were highlighted in red strikethrough. The language in the bill as introduced is included in the section that we are amending. The red strikethrough that deletes language from the original bill is included in the amendment for continuity, but we are not proposing changes to the amendment.

CHAIR PAZINA:

The amendment we have contains no color coding.

SENATOR GOICOECHEA:

As the amendment you have just provided does not have any color coding or a legend explanation, I need help understanding the changes. Do you intend to delete exemptions for tethering any dog used for hunting?

SENATOR OHRENSCHALL:

Yes. The amendment mirrors the bill as introduced in that the exemptions set forth in NRS 574.100 would be removed. The amendment retains the exemption for an animal being processed to an animal shelter, but deletes the exemptions for cage size, and the length of the tether chain for hunting and rescue operations. My intent was to remove those exemptions and replace with language submitted by Clark County and Washoe County that specifically addresses situations involving extreme cold.

SENATOR GOICOECHEA:

Thank you for the clarification. I will await the motion.

CHAIR PAZINA:

I will entertain a motion to amend and do pass.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 269.

SENATOR FLORES SECONDED THE MOTION.

CHAIR PAZINA:

Is there any discussion on the motion?

SENATOR HANSEN:

Frankly, I am shocked the proposed amendment makes it illegal to lawfully use an animal to hunt any species of wildlife. The amendment also penalizes people who are participating in a rescue operation, including bona fide nonprofit organizations. None of these exemptions should be eliminated. It makes no sense to punish volunteers participating in a rescue operation or people that are lawfully using hunting dogs in extremely cold weather, especially because most hunting takes place during the season when extreme cold is expected, like during mountain lion hunting season. I oppose this bill because of the last two provisions in the amendment.

SENATOR OHRENSCHALL:

Removing exemptions for hunting parties and rescue operations would not result in an automatic punishment simply because the tether time limitations and chain length requirements are not followed. The chain length exemption when leaving an animal at a shelter site would remain as long as the general provisions are followed. There should not be any prosecution if a dog is used for hunting or a rescue operation.

SENATOR FLORES:

I vote to move S.B. 269 out of Committee, and I will meet with our sponsor afterward because I may have misread the amendment. I echo some of the concerns raised by Senator Hansen but will vote to move the bill out of Committee and reserve my right to change my vote.

SENATOR GOICOECHEA:

I am concerned about the deleted exemptions and continue to oppose the bill.

CHAIR PAZINA:

I will entertain a motion to move S.B. 269 out of Committee.

SENATOR SHEIBLE:

I want to clarify that my motion was to recommend the Committee amend and do pass as amended S.B. 269.

CHAIR PAZINA:

To clarify, your motion was based on the amendment just provided by Senator Ohrenschall and is inclusive of the most recent amendment. The motion

will be to amend and do pass as amended and to move the bill out of Committee so it can move forward.

THE MOTION PASSED. (SENATORS GOICOECHEA AND HANSEN VOTED NO.)

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CHAIR PAZINA:
We will move to the work session on S.B. 311.

SENATE BILL 311: Revises provisions relating to wildlife. (BDR 45-168)

MS. KELLER:
I will read the summary of S.B. 311 from the work session document ([Exhibit G](#)). The bill was heard by this Committee on April 4, 2023, and there are no amendments.

CHAIR PAZINA:
I will entertain a motion to do pass S.B. 311.

SENATOR FLORES MOVED TO DO PASS S.B. 311.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANAMOUSLY.

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CHAIR PAZINA:

As there is no public comment, the meeting is adjourned at 5:07 p.m.

RESPECTFULLY SUBMITTED:

Cherie Dittler,
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
S.B. 88	C	2	Alysa Keller	Work Session Document
S.B. 159	D	4	Alysa Keller	Work Session Document
S.B. 258	E	4	Alysa Keller	Work Session Document
S.B. 269	F	7	Alysa Keller	Work Session Document
S.B. 311	G	11	Alysa Keller	Work Session Document