

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

**Eighty-second Session
March 9, 2023**

The Senate Committee on Natural Resources was called to order by Chair Julie Pazina at 3:34 p.m. on Thursday, March 9, 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 Edgar Flores
Senator Ira Hansen

COMMITTEE MEMBERS ABSENT:

Senator Melanie Scheible (Excused)
Senator Pete Goicoechea (Excused)

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT

Tina Nappe
Steve Walker, Eureka County

CHAIR PAZINA:

We will begin the work session on Senate Bill (S.B.) 76.

SENATE BILL 76: Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.
(BDR 40-291)

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ALYSA KELLER (Policy Analyst):

I have a work session document ([Exhibit C](#)) on S.B. 76 describing the bill and its amendments.

The Committee has one bill for consideration in today's work session. It is posted on the Legislative website and is sponsored by Senator Dina Neal. It was first heard in this Committee on February 21, 2023, and, as introduced, prohibits the sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill also requires a manufacturer of cookware intentionally containing any of the substances identified in the bill to include informational language on the product label and on any product listed for online sale. The bill provides that a person who willfully and knowingly violates certain provisions is subject to a maximum civil penalty of \$1,000.

To summarize the amendments: In the first amendment in [Exhibit C](#), the Toy Association proposed replacing the term "children's" products with "juvenile" products throughout the bill; in the second amendment in [Exhibit C](#), Merck Sharp & Dohme LLC proposed adding certain exceptions to section 16 of the bill for drugs, biologics, medical devices or diagnostics used to treat medical conditions, or administered to animals under certain federal acts. The third amendment in [Exhibit C](#), proposed by the State Medical Technology Alliance, replaces the terms "approved" or "authorized" with the term "regulated" to clarify that the term "product" does not include any drug, medical device, biologic or diagnostic that is regulated by the U.S. Food and Drug Administration or the U.S. Department of Agriculture, [Exhibit C](#).

After the first hearing, Senator Dina Neal proposed an additional conceptual amendment. The fourth amendment in [Exhibit C](#) would add a provision to section 11, allowing an exception for the use of recycled raw materials which potentially have a legacy presence of PFAS and deleting the language "or whose brand name is affixed to a product" from the definition of a manufacturer in section 12, line 32.

The amendment adds section 20, requiring a manufacturer of certain products to include a statement on the product label in both English and Spanish that no PFAS are intentionally added or used to make the product. The Senator's amendment to Section 24 also provides exceptions for new products with PFAS

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residue, allowing recycled content for textile products manufactured or imported prior to the effective date.

CHAIR PAZINA:

I will entertain a motion to amend and do pass as amended S.B. 76.

SENATOR FLORES MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 76 WITH THE CHANGES RECOMMENDED BY COUNSEL.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR PAZINA:

I will open the hearing on Senate Joint Resolution (S.J.R.) 2.

SENATE JOINT RESOLUTION 2: Urges Congress to require the United States Board on Geographic Names to consider renaming the Sheldon National Wildlife Refuge as the E. R. Sans National Wildlife Refuge. (BDR R-170)

SENATOR IRA HANSEN (Senatorial District No. 14):

I have a visual presentation for the Committee ([Exhibit D](#) contains copyrighted material. Original is available upon request of the Research Library.) I represent Senatorial District No. 14 which includes large sections of Elko and Eureka Counties, most of Washoe County, and all of Humboldt, Lander, and Pershing Counties, approximately 34,000 square miles.

I am presenting S.J.R. 2 which concerns a conservation area where northern Nevada borders Oregon. I have been familiar with the area for a long time. When the sage grouse issue was under discussion three sessions ago, I began an intense study of the Sheldon area and discovered that E.R. Sans was instrumental in developing the area for conservation purposes.

In the early part of the twentieth century, antelopes in Nevada were almost extinct. During the same time period, buffalo and passenger pigeons did become extinct. The beaver and other populations of animals were also becoming increasingly rare in Nevada.

In 1915, Nevada experienced a severe outbreak of rabies. The U.S. Biological Survey was assigned the responsibility of reducing the coyote population as they were considered responsible for the rabies outbreak. Mr. Sans, a biologist with the U.S. Biological Survey was dispatched to Nevada in 1920 to address the rabies outbreak. He was appointed to administer the project.

In connection with his job duties, Mr. Sans traveled to the northwest corner of Nevada where the Sheldon preserve was initially designated and observed an antelope for the first time. That experience was the impetus for Mr. Sans to develop a conservation plan to protect the remaining animal populations in Nevada.

Mr. Sans first approached the Washoe County Commission, as wild game laws were controlled on a county level at that time. He successfully argued to prohibit the hunting of antelope and accomplished the same antelope hunting ban in Elko County. He was ultimately successful in getting antelope hunting banned completely in Nevada.

In 1923, Mr. Sans convinced Nevada Governor James G. Scrugham to develop several animal refuges across the State. As Nevada had no interest in appropriating funds for the animal refuges, Mr. Sans approached several conservation groups for that purpose.

Initially, the National Association of Audubon Societies for the Protection of Wild Birds and Animals (NAS), renamed the National Audubon Society in 1940, expressed interest in funding the animal refuges and Mr. Sans collaborated with Audubon President Gilbert Pearson. As there was a federal bird refuge on Anaho Island, Lake Pyramid, the two men contacted the director of the U.S. Biological Survey and invited him to tour Anaho Island.

In 1927, a Native American transported Mr. Sans, Mr. Pearson and the survey director to Anaho Island by boat. While touring the island, the surrounding waves became dangerous, and all four men were stranded on the island overnight. Mr. Sans used the isolation as an opportunity to convince Mr. Pearson to help fund an animal refuge in Nevada. Three weeks later, Mr. Pearson returned to Nevada and traveled with Mr. Sans to the Last Chance Ranch, located on what is now the Sheldon National Wildlife Refuge. After observing antelope and other animals in their natural habitat, Mr. Pearson, on

behalf of the NAS, contributed a down payment to purchase the ranch for the purpose of creating a refuge for antelope in Nevada.

As the funds contributed by the NAS were insufficient to finalize the purchase of the ranch, Mr. Sans realized that another source of revenue was needed. Mr. Sans then contacted the Boone and Crockett Club, established by President Theodore Roosevelt in the early 1900s. Charles Sheldon, a member of the Boone and Crockett Club, was well known for his conservation efforts and agreed to contribute \$10,000 to finalize the purchase of the Last Chance Ranch. A condition of the donation was that the refuge be named for Charles Sheldon, which explains why the refuge area was officially named the Charles Sheldon Antelope Range in 1931.

In 1936, President Franklin Roosevelt added another 500,000 acres to the Range, later renamed the Sheldon National Wildlife Refuge. The refuge is now managed by the U.S. Fish and Wildlife Service. The history of the refuge reflects that Mr. Sans is the man responsible for coordinating and gathering funding for the project.

In 1936, Mr. Sans was appointed by President Roosevelt to be the first manager of the Charles Sheldon Antelope Range, and he lived on the refuge from 1936 until he retired in 1941. His efforts helped save the antelope population, not only in Nevada, but throughout the West. On the other side of the Oregon border, 250,000 acres of land were established as the Hart Mountain National Antelope Refuge. The terrain in these refuges protect antelope habitats and the establishment of these refuges are considered one of the great animal conservation success stories in the U.S. The antelope population in Nevada today is over 25,000, when previously, that population number was accurate for the entire U.S.

Mr. Sans was just an unknown guy in the conservation movement who worked tirelessly behind the scenes, seeking no recognition for his accomplishments. His name should be attached to the Sheldon National Wildlife Refuge. If we pass this resolution, I hope that the federal renaming folks will give the name change serious consideration. From my research, Mr. Sans was a major player in the conservation movement and nearly singlehandedly saved the pronghorn antelope from extinction. He also created a beautiful animal refuge in northwestern Nevada, which remains one of the great gems of our State. I want to get some recognition for this unsung hero.

CHAIR PAZINA:

Did Mr. Sheldon ever live in or visit Nevada?

SENATOR HANSEN:

There is no record he was ever physically in Nevada, and he died in 1928 before the refuge was officially established. Mr. Sheldon was an influential man who provided \$10,000 to establish the refuge under the condition the refuge be named after him. He was from Connecticut, a graduate of Yale University and was wealthy and prominent, but I do not think he ever stepped foot in Nevada.

TINA NAPPE:

I take this opportunity to recognize Mr. Sans. He devoted his life to saving the pronghorn antelope and creating a wonderful refuge in northern Nevada where they could thrive and flourish. I believe that Charles Sheldon had died before the refuge was established, which is partly why the refuge was named after him. To his credit, Mr. Sheldon also provided financial assistance to establish an animal refuge in Denali, Alaska. E.R. Sans gave much of his life, without reward, to create something we all enjoy today.

CHAIR PAZINA:

I will close the hearing on S.J.R. 2 and open the hearing on S.B. 141.

SENATE BILL 141: Revises provisions related to wildlife. (BDR 45-294)

SENATOR IRA HANSEN (Senatorial District No. 14):

There has been some controversy over S.B. 141. Currently, *Nevada Revised Statutes* (NRS) 502.120 requires a hunter, fisherman, trapper or anyone who possesses a license issued by the Nevada Department of Wildlife (NDOW) to carry the physical license with them if they are pursuing the activity for which they have a license. Right now, my physical hunting and fishing licenses are in my wallet.

The intent of S.B. 141 is to allow people to maintain an electronic copy of their licenses in their phones, so they do not have to carry physical licenses on their person. There may be a similar bill involving digital driver's licenses this Session. You can now maintain car insurance cards digitally, and our world is becoming increasingly electronic. This bill allows Nevada to catch up with technology, especially with younger people.

Pursuant to the statute, you are required to carry a physical license while hunting or fishing in the field, although there is some flexibility. Recently, my son-in-law was fishing at the Wall Canyon Reservoir, and a game warden asked to see his fishing license. When my son-in-law explained his physical fishing license was in his truck, he received a lecture that he could be cited for not having the physical license in his possession.

With everything now electronic, this bill makes sense. Just this morning, the director of NDOW informed me the Department is already accepting electronic licenses in the field, even though it is not law. The Director suggested taking a picture of your physical license with your phone and, if asked, provide your saved electronic image as proof you have a license. The purpose of S.B. 141 is to turn that suggestion into law.

Similar bills addressing personal identification have also been introduced this Session. Language included in another bill heard by the Senate Committee on Growth and Infrastructure reads:

Each person required to have a license or permit as provided in this title who, while engaged in any activity regulated by this title, refuses to exhibit any wildlife which the person may have in his or her possession, or any weapon, ammunition, device or apparatus in his or her possession which may be used for any activity regulated by this title, upon demand of any officer authorized to enforce the fish and game laws of this State, is guilty of a misdemeanor.

There are significant constitutional issues surrounding the concept of providing your identification and your right against self-incrimination which is why I am developing a conceptual amendment to present to the Committee. I am expecting literature from public defenders, district attorneys and wildlife law enforcement on citizen rights under the Fourth Amendment, protection from unlawful search and seizure, and the Fifth Amendment right against self-incrimination. For now, I am providing a handout that addresses Fifth Amendment Rights ([Exhibit E](#)).

Basically, you have a right to not cooperate with law enforcement when they start asking certain questions. I will discuss a United States Supreme Court decision *Hiibel v. Sixth Judicial District Court of Nevada*, 542 U.S.177 (2004), based on a Nevada case from my Congressional District.

The case involved a domestic dispute Mr. Hiibel was involved in. Responding officers located Mr. Hiibel who refused to cooperate in any way, whatsoever. Mr. Hiibel was given a misdemeanor citation for obstructing an officer and appealed the citation all the way to the United States Supreme Court. The Court issued a 5-to-4 published decision.

The five conservative justices concluded Mr. Hiibel had a legal responsibility to provide his identification to responding officers. The four judges who leaned toward a more liberal interpretation concluded that, under the Fifth Amendment, Mr. Hiibel had a right against self-incrimination, which included the right not to provide identification. Although the conservative view prevailed, the decision could easily have gone the other way.

Two interesting points were raised in the decision. First, identification can be verbal; second, law enforcement must be involved in some level of criminal observation to demand identification. In *Hiibel*, the Supreme Court agreed that involvement in a civil dispute was a legitimate reason to stop and question Mr. Hiibel. Even now, the Highway Patrol cannot randomly stop vehicles traveling in Washoe Valley unless there is some evidence of criminal activity, and the same concept applies to wildlife law. Your constitutional right against self-incrimination are protected whether you are in the field, a rural or urban setting, or any other circumstance similar to Mr. Hiibel's situation.

We should not create laws that punish people for exercising a constitutional right. Under the Fourth Amendment, people have constitutional protection against unreasonable searches. If a game warden were to approach me in the field, absent suspected criminal activity, they do not have the right to demand I produce my hunting or fishing license, my weapon, animals or any other apparatus I might have. The warden can ask, but if I refuse to cooperate, I should not be issued a citation for obstruction.

Under that scenario, if convicted of obstructing an officer, I could end up in jail for six months, which raises a serious constitutional question. I am working on a conceptual amendment to address the Fifth Amendment concerns addressed in S.B. 141.

If law enforcement wants to question me, whether I am driving down the highway or standing in a river fishing, and there is no probable cause to conduct additional investigation, the only thing I will provide them with verbally is my

name. If they issue me a citation for obstruction, they are violating my Fifth Amendment rights.

I spoke with several attorneys and law enforcement personnel about this issue, and they will be sending me relevant legal information distributed by the Office of the Attorney General. The conceptual amendment will ensure we do not have language in the NRS that would violate anybody's Fourth or Fifth Amendment rights. The specific language I am drafting states you can provide either a physical and/or electronic copy of your wildlife licenses when engaged in any of those activities.

CHAIR PAZINA:

I would like it on the record that you applauded one of Justice Ruth Bader Ginsburg's decisions.

SENATOR HANSEN:

I actually quoted her dissenting opinion in the handout I provided. I know you think because I am a very conservative Republican, I have views opposing liberal politicians. We actually agree on a number of issues. I am a big champion of public defenders after serving as chair of the Assembly Committee on Judiciary and learning how law enforcement really works. In Nevada, the deck is stacked in favor of the prosecution. It is glamorous to be a district attorney but not a public defender. That inequity filters down to how our criminal system works, and it is frightening for people who do not have the financial means to fight back.

In 2015, as an Assemblyman, I was cited by a Nevada Department of Wildlife ranger and disputed the citation. Although I was found not guilty, I had to pay \$10,000 in legal fees to hire an attorney. The district attorney had offered a plea deal to plead guilty and pay one hundred bucks. I refused. Frankly, I said, "Go to I am not guilty of anything."

That situation occurred just prior to becoming Chair of the Assembly Committee on Judiciary. Ironically, in Committee, we heard several bills that removed some powers of the Office of the State Public Defender. Assembly Speaker Steve Yeager was a lobbyist with the Clark County Public Defender's Office, who testified and later warned that if we passed legislation weakening the powers of the office, the Chief Clark County Public Defender would resign. That was my learning curve.

That is why when Justice Ginsburg's people work hard to ensure a citizen's constitutional rights are followed, including the Fourth and Fifth Amendments, we are on the exact same page. I have a pocket copy of the *U.S. Constitution* on my person at all times. When Fourth and Fifth Amendment issues arise, I look at my pocket copy to see how the language applies to the situation at hand. Justice Ginsburg and right-winger Ira Hansen definitely agree on some issues.

SENATOR FLORES:

I am trying to draw an analogy. Engaging in the activities of hunting or fishing would trigger law enforcement authorities to regulate that activity. If you are operating a motor vehicle, that also triggers law enforcement authorities to say you have to have a driver's license to operate a vehicle.

For purposes of this bill, law enforcement authorities could say you must have a license to fish or hunt. I am trying to understand your concerns. Do you think law enforcement is overstepping its boundaries? If you are issued a fine for not having a driver's license, go to court and show you had a license at the time you were cited, do they not just dismiss the citation? Or does that only apply to driver's license citations, not hunting and fishing license violations?

Are you proposing this legislation to be efficient, so that by showing an electronic copy of your license, you can avoid going through the process of going to court to get a citation dismissed? What is the bottom line here?

SENATOR HANSEN:

I believe only a driver's license citation can be dismissed if you provide proof that you did have a license at the time you were cited. The bottom line is that a person with a hunting or fishing license should be able to show law enforcement an electronic version of their license. Even though the Nevada Department of Wildlife is now allowing it, statute does not. After reviewing the statute and attending the hearing on similar legislation, I realized a conceptual amendment was necessary to address the criminal justice side of things.

A game warden or Nevada Highway Patrol trooper can stop me and demand to see identification or documentation. There has to be some level of reasonableness that I was observed doing something illegal. It is reasonable for a game warden to ask for my hunting or fishing license if they observe me put

15 trout on my stringer when the limit is only 5. At that point, they can ask my name and inform me that I am over my limit of fish. In that scenario, the State has the burden of proving every element of my crime. And I can say, "My name is Ira Hansen, and I don't want to talk to you; you can do what you want, but you must go through my attorney." You have a right against self-incrimination, including the right to remain silent. If you are being forced under threat of a criminal misdemeanor citation to provide evidence that will be used against you in a court of law, that violates your Fifth Amendment rights.

SENATOR FLORES:

You would have a concern if law enforcement was pulling over every vehicle to ensure every driver has a valid Nevada driver's license and a concern if everybody engaged in hunting or fishing is ordered to produce their hunting or fishing license on demand without probable cause. Your concern is that these tactics, without probable cause, could become the norm.

SENATOR HANSEN:

Your analogy is right on target. The subject of pulling over motorists to check their driver's licenses has been discussed in other Committees. Senators Dallas Harris, Pat Spearman and Assemblywoman Shondra Summers-Armstrong are convinced that the law enforcement community disproportionately pulls over Black youths driving automobiles without probable cause. I have been discussing this issue with Senator Harris, and we are both aware of the potential abuse by law enforcement and the protections in place.

Years ago, there were vagrancy and loitering laws in the U.S. that have been eliminated. Law enforcement previously had the authority to randomly approach a person and demand to know why that person was there, if they had a job, and run them out of town if the answers given were not acceptable.

That authority is now gone, but the concept remains and is dangerous. That is why we need controls on constitutional violations and why you have a Supreme Court decision like *Hiibel*. At first glance, his case involved minor issues of fact: a policeman stopped a man, requested identification and the man refused to provide it. The more important issue was if Mr. Hiibel was required to give any information at all. I will be working on a conceptual amendment to address the constitutional issues I have explained.

CHAIR PAZINA:

If stopped by law enforcement when driving a vehicle, we must all have our physical driver's license available to provide on request. We are not allowed to provide our license digitally, correct?

SENATOR HANSEN:

Our society requires all citizens to possess physical identification, typically a driver's license. When I applied for my hunting and fishing licenses, I first had to provide my social security and Nevada driver's license numbers. As Senator Flores mentioned, before this Session ends, we may want to consider legislation that would allow all Nevadans to provide a digital driver's license on the request of law enforcement.

There is a difference between providing a driver's license and a hunting or fishing license. When driving a vehicle, you are able to have your license readily available. When you are hunting or fishing, in the field or on a boat, you do not always carry a wallet because the boat could flip over, and you would lose it. You could also lose your wallet while hunting in the field. I had the unfortunate experience of losing my wallet while hunting, and it was frustrating. Nevada should allow driver's licenses to be digitally accessible and valid when presented. As a Legislative Body, we should make things simpler for the citizens of the State.

STEVE WALKER (Eureka County):

We are in support of S.B. 141 as written, although we have not seen the proposed amendment. I personally suggest that Senator Hansen take his abundant energy to California where I fish most of the time. There, you are required to prominently display your hunting and fishing licenses on your person, so rangers and game wardens can spot it at a distance with a scope. If that is still the rule, maybe Senator Hansen can get that changed. I would certainly appreciate it.

SENATOR HANSEN:

The conceptual amendment will be drafted soon, and I will circle back around when the amendment has been finalized.

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CHAIR PAZINA:

As there is no public comment, the meeting is adjourned at 4:17 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. 176	C	2	Alysa Keller, L.C.B.	Work Session Document
S.J.R. 2	D	3	Senator Ira Hansen	Visual Presentation
S.B. 141	E	7	Senator Ira Hansen	Fifth Amendment Presentation