

CHAPTER.....

AN ACT relating to historic preservation; revising provisions relating to obtaining a permit to excavate a site on private lands that is known to be a prehistoric Indian burial site; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law: (1) prohibits a person from excavating a site on private lands located in this State that the person knows is a prehistoric Indian burial site unless the person first obtains a permit from the Museum Director of the Nevada State Museum; and (2) provides that a person is not required to obtain such a permit to engage in a lawful activity on private lands if that activity is engaged in exclusively for purposes other than the excavation of a prehistoric Indian burial site. (NRS 381.196) This bill provides, instead, that such a permit is not required to engage in a lawful activity on such private lands if: (1) the activity is exclusively for purposes other than the excavation of a prehistoric Indian burial site; and (2) the activity occurs only on a portion of the private lands that does not contain the known prehistoric Indian burial site.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 381.196 is hereby amended to read as follows:

381.196 1. A person shall not excavate a site on private lands located within this State that the person knows is a prehistoric Indian burial site unless the person first obtains a permit issued by the Museum Director.

2. A person is not required to obtain a permit pursuant to subsection 1 to engage in a lawful activity on private lands, including, without limitation, construction, mining, mineral exploration, logging, farming, ranching or a federally authorized activity conducted in compliance with the National Historic Preservation Act, 54 U.S.C. §§ 300101 et seq., if that activity is engaged in exclusively for purposes other than the excavation of a prehistoric Indian burial site ~~and~~ *and the activity occurs only on a portion of the private lands that does not contain the known prehistoric Indian burial site.*

3. The Museum Director shall adopt regulations governing a permit issued pursuant to subsection 1. The regulations must, without limitation:

(a) Set forth the process for obtaining and renewing a permit required pursuant to subsection 1;



(b) Set forth the qualifications of an applicant for such a permit;  
(c) Require notice to and consultation with the applicable Indian tribes throughout the permitting process in the manner provided by NRS 381.0066;

(d) Provide for the enforcement of the provisions of this section, including, without limitation, the examination of the permit of a person claiming privileges pursuant to this section; and

(e) Fully protect the constitutional rights of property owners.

4. Any regulations adopted pursuant to this section must be developed in consultation with Indian tribes and incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes during the consultation with the Museum Director.

5. As used in this section, "Indian burial site" has the meaning ascribed to it in NRS 383.150.

