

SENATE BILL NO. 244—SENATORS RATTI, CANNIZZARO,  
FORD; AND GOICOECHEA

MARCH 7, 2017

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JOINT SPONSOR: ASSEMBLYWOMAN SWANK

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to historic preservation.  
(BDR 33-515)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

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AN ACT relating to historic preservation; requiring notice and consultation with Indian tribes with regard to native Indian human remains, funerary objects and other cultural items under certain circumstances; requiring the Museum Director of the Nevada State Museum and the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations concerning the process for repatriation of prehistoric native Indian human remains and funerary objects; revising the membership of certain related boards and commissions; increasing the penalties for the defacement of prehistoric sites, historic sites and Indian burial sites; making appropriations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law provides for the preservation of historic sites and prehistoric sites.
- 2 Pursuant to these provisions a permit is generally required to investigate, explore or
- 3 excavate a historic site or prehistoric site on federal or state lands or to remove any
- 4 object from such a site. (NRS 381.197) For the purposes of these provisions,
- 5 existing law provides that a “historic site”: (1) dates from the middle of the 18th
- 6 century until 50 years before the current year; and (2) is a site, landmark or
- 7 monument of historical significance that pertains to the history of the settlement of
- 8 Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and burials.



9 Existing law further provides that a “prehistoric site”: (1) dates from before the  
10 middle of the 18th century; and (2) is any archeological or paleontological site,  
11 ruin, deposit, fossilized footprints and other impressions, petroglyphs and  
12 pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of  
13 religious or cultural importance to an Indian tribe. (NRS 381.195)

14 **Section 6** of this bill: (1) prohibits a person from excavating a site on private  
15 lands located in this State that the person knows is a prehistoric Indian burial site  
16 unless the person first obtains a permit from the Museum Director of the Nevada  
17 State Museum; and (2) provides that a person is not required to obtain such a permit  
18 to engage in lawful activity on private lands if that activity is engaged in  
19 exclusively for purposes other than the excavation of a prehistoric Indian burial  
20 site. **Section 6** requires the Museum Director to adopt regulations governing such a  
21 permit, including, without limitation, regulations setting forth the procedures for  
22 obtaining and renewing such a permit.

23 **Section 5.5** of this bill provides that notwithstanding any provision of chapter  
24 381 of NRS to the contrary: (1) a person is not required to obtain a permit pursuant  
25 to **section 6** if the person has obtained a permit pursuant to federal law for the same  
26 purpose; and (2) the Administrator of the Division of Museums and History of the  
27 Department of Tourism and Cultural Affairs, the Museum Director of the Nevada  
28 State Museum or the museum director of an institution of the Division are not  
29 required to comply with certain requirements concerning notice to, consultation  
30 with or returning items to an Indian tribe if the Administrator or a museum director,  
31 as applicable, provides such notice to or consultation with or returns items to the  
32 Indian tribe in accordance with the repatriation process required pursuant to federal  
33 law.

34 **Sections 5 and 26** of this bill require both the Museum Director of the Nevada  
35 State Museum and the Office of Historic Preservation of the State Department of  
36 Conservation and Natural Resources to adopt regulations that set forth the process  
37 for repatriation of prehistoric native Indian human remains and funerary objects  
38 falling within the purview of each state agency.

39 **Section 10** of this bill requires native Indian human remains or other cultural  
40 items of an Indian tribe to be returned to the closest culturally affiliated Indian tribe  
41 in accordance with the repatriation process provided in the regulations adopted  
42 pursuant to **section 5** if the human remains or other items were deemed abandoned  
43 by the institution of the Division that held the property.

44 **Sections 16 and 22** of this bill require prehistoric native Indian human remains  
45 or funerary objects to be returned to the closest culturally affiliated Indian tribe in  
46 accordance with the repatriation process provided in the regulations adopted  
47 pursuant to **section 5** if the human remains or funerary objects were: (1) found or  
48 discovered pursuant to certain permits to investigate, explore or excavate historic or  
49 prehistoric sites; or (2) seized by law enforcement officers as taken or collected on  
50 historic or prehistoric sites without a required permit.

51 **Section 19** of this bill requires the Museum Director to provide notice and  
52 consultation with the applicable Indian tribes with regard to certain reports made by  
53 a holder of certain permits to investigate, explore or excavate historic or prehistoric  
54 sites if work done, material collected or other pertinent data contained in the report  
55 pertains to prehistoric native Indian human remains or a funerary object.

56 **Section 26.5** of this bill provides that notwithstanding any provision of chapter  
57 383 of NRS to the contrary, the Office of Historic Preservation is not required to  
58 comply with certain requirements concerning notice to, consultation with or  
59 returning items to an Indian tribe if the Office provides such notice to or  
60 consultation with or returns items to the Indian tribe in accordance with the  
61 repatriation process required pursuant to federal law.

62 **Section 33** of this bill: (1) revises the procedure that is required to take place  
63 upon the discovery of an Indian burial site on private or public land; and



\* S B 2 4 4 R 2 \*

64 (2) provides that such procedure does not apply to a permit issued pursuant to  
65 **section 6** of this bill.

66 **Sections 34 and 37** of this bill increase the penalties for: (1) the willful  
67 removal, mutilation, defacement, injury or destruction of a native Indian cairn or  
68 grave to \$2,000 for the first offense and \$4,500 for the second or subsequent  
69 offense; and (2) the knowing and willful removal, mutilation, excavation,  
70 defacement, injury or destruction of a historic or prehistoric site or the trafficking  
71 of cultural property obtained from state land without a permit to \$1,000 for a first  
72 offense and \$3,500 for a second or subsequent offense. **Section 34** further provides  
73 that the penalty for the willful removal of a native Indian cairn or grave only  
74 applies to a person who removes such a cairn or grave without any required permit.

75 **Sections 8 and 38** of this bill expand the membership of both the Board of  
76 Museums and History and the Commission for Cultural Centers and Historic  
77 Preservation to include a member on the Board and on the Commission who is  
78 appointed by the Governor after giving consideration to any recommendation of an  
79 enrolled member of a Nevada Indian tribe which is submitted by the Nevada Indian  
80 Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its  
81 successor organization.

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

1 **Section 1.** Chapter 381 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this  
3 act.

4 **Sec. 2. 1.** *In providing notice and consultation with Indian*  
5 *tribes as required by this chapter, the museum director of an*  
6 *institution shall immediately notify, in writing, and initiate*  
7 *consultation with any Indian tribe:*

8 (a) *Who is or is likely to be culturally affiliated with the*  
9 *applicable artifact or site;*

10 (b) *On whose aboriginal lands the applicable artifact was*  
11 *discovered or the site was located; or*

12 (c) *Who is reasonably known to have a direct cultural*  
13 *relationship to the applicable artifact or site.*

14 2. *The written notice must include a proposed time and place*  
15 *for the consultation with the museum director.*

16 **Sec. 3.** *The museum director of an institution shall use the*  
17 *criteria for determining cultural affiliation set forth in 43 C.F.R. §*  
18 *10.14 to determine which Indian tribe has the closest cultural*  
19 *affiliation, if any, with regard to particular artifact or site.*

20 **Sec. 4.** (Deleted by amendment.)

21 **Sec. 5. 1.** *The Museum Director of the Nevada State*  
22 *Museum shall adopt regulations as necessary to carry out the*  
23 *provisions of sections 2 to 5.5, inclusive, of this act and NRS*  
24 *381.195 to 381.227, inclusive, and section 6 of this act, including,*  
25 *without limitation, regulations which set forth the process for*



1 *repatriation of prehistoric native Indian human remains and*  
2 *funerary objects.*

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

8 **Sec. 5.5.** *Notwithstanding any provision of this chapter to the*  
9 *contrary:*

10 1. *A person is not required to obtain a permit pursuant to*  
11 *section 6 of this act if the person has obtained a permit pursuant*  
12 *to federal law for the same purpose; and*

13 2. *The Administrator, Museum Director of the Nevada State*  
14 *Museum or the museum director of an institution are not required*  
15 *to provide notice to, consult with or return items to an Indian tribe*  
16 *as required pursuant to this chapter if the Administrator, Museum*  
17 *Director of the Nevada State Museum or the museum director, of*  
18 *the institution, as applicable, provides such notice to, consults with*  
19 *or returns items to the Indian tribe in accordance with the*  
20 *repatriation process required pursuant to federal law.*

21 **Sec. 6.** 1. *A person shall not excavate a site on private*  
22 *lands located within this State that the person knows is a*  
23 *prehistoric Indian burial site unless the person first obtains a*  
24 *permit issued by the Museum Director.*

25 2. *A person is not required to obtain a permit pursuant to*  
26 *subsection 1 to engage in a lawful activity on private lands,*  
27 *including, without limitation, construction, mining, mineral*  
28 *exploration, logging, farming, ranching or a federally authorized*  
29 *activity conducted in compliance with the National Historic*  
30 *Preservation Act, 54 U.S.C. § 300100 et seq., if that activity is*  
31 *engaged in exclusively for purposes other than the excavation of a*  
32 *prehistoric Indian burial site.*

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

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

38 (b) *Set forth the qualifications of an applicant for such a*  
39 *permit;*

40 (c) *Require notice to and consultation with the applicable*  
41 *Indian tribes throughout the permitting process in the manner*  
42 *provided by section 2 of this act;*

43 (d) *Provide for the enforcement of the provisions of this*  
44 *section, including, without limitation, the examination of the*



1 *permit of a person claiming privileges pursuant to this section;*  
2 *and*

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

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

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

11 **Sec. 7.** NRS 381.001 is hereby amended to read as follows:

12 381.001 As used in this chapter, unless the context otherwise  
13 requires:

14 1. "Administrator" means the Administrator of the Division.

15 2. "Board" means the Board of Museums and History.

16 3. *"Cultural affiliation" or "culturally affiliated" means that*  
17 *there is a relationship of shared group identity that may be*  
18 *reasonably traced historically or prehistorically between a present-*  
19 *day Indian tribe and an identifiable earlier group which is*  
20 *associated with a particular artifact or site.*

21 4. "Department" means the Department of Tourism and  
22 Cultural Affairs.

23 ~~4.~~ 5. "Director" means the Director of the Department.

24 ~~5.~~ 6. "Division" means the Division of Museums and History  
25 of the Department.

26 ~~6.~~ 7. *"Funerary object" means an object that, as a part of*  
27 *the death rite or ceremony of an Indian tribe is reasonably*  
28 *believed to have been placed with individual prehistoric native*  
29 *Indian human remains either at the time of death or later.*

30 8. *"Historic" has the meaning ascribed to it in NRS 381.195.*

31 9. "Historic structures, buildings and other property of the  
32 Nevada State Prison" means the structures, buildings and other  
33 property described in paragraph (b) of subsection 1 of NRS 321.004.

34 ~~7.~~ 10. *"Indian tribe" has the meaning ascribed to it in*  
35 *NRS 383.011.*

36 11. "Institution" means an institution of the Division  
37 established pursuant to NRS 381.004.

38 ~~8.~~ 12. "Museum director" means the executive director of an  
39 institution of the Division appointed by the Administrator pursuant  
40 to NRS 381.0062.

41 13. *"Prehistoric" has the meaning ascribed to it in*  
42 *NRS 381.195.*



1       **Sec. 8.** NRS 381.002 is hereby amended to read as follows:

2       381.002 1. The Board of Museums and History, consisting of  
3 ~~eleven~~ **twelve** members appointed by the Governor, is hereby  
4 created.

5       2. The Governor shall appoint to the Board:

6       (a) Five representatives of the general public who are  
7 knowledgeable about museums.

8       (b) Six members representing the fields of history, prehistoric  
9 archeology, historical archeology, architectural history, and  
10 architecture with qualifications as defined by the Secretary of  
11 Interior's standards for historic preservation in the following fields:

12       (1) One member who is qualified in history;

13       (2) One member who is qualified in prehistoric archeology;

14       (3) One member who is qualified in historic archeology;

15       (4) One member who is qualified in architectural history;

16       (5) One member who is qualified as an architect; and

17       (6) One additional member who is qualified, as defined by  
18 the Secretary of Interior's standards for historic preservation, in any  
19 of the fields of expertise described in subparagraphs (1) to (5),  
20 inclusive.

21       (c) *One member, after giving consideration to any*  
22 *recommendation of an enrolled member of a Nevada Indian tribe*  
23 *which is submitted by the Nevada Indian Commission, after*  
24 *consultation with the Inter-Tribal Council of Nevada, Inc., or its*  
25 *successor organization.*

26       3. The Board shall elect a Chair and a Vice Chair from among  
27 its members at its first meeting of every even-numbered year. The  
28 terms of the Chair and Vice Chair are 2 years or until their  
29 successors are elected.

30       4. With respect to the functions of the Office of Historic  
31 Preservation, the Board may develop, review and approve policy  
32 for:

33       (a) Matters relating to the State Historic Preservation Plan;

34       (b) Nominations to the National Register of Historic Places and  
35 make a determination of eligibility for listing on the Register for  
36 each property nominated; and

37       (c) Nominations to the State Register of Historic Places and  
38 make determination of eligibility for listing on the Register for each  
39 property nominated.

40       5. With respect to the functions of the Division, the Board shall  
41 develop, review and make policy for investments, budgets,  
42 expenditures and general control of the Division's private and  
43 endowed dedicated trust funds pursuant to NRS 381.003 to  
44 381.0037, inclusive.



1 6. In all other matters pertaining to the Office of Historic  
2 Preservation and the Division of Museums and History, the Board  
3 serves in an advisory capacity.

4 7. The Board may adopt such regulations as it deems necessary  
5 to carry out its powers and duties.

6 **Sec. 9.** (Deleted by amendment.)

7 **Sec. 10.** NRS 381.009 is hereby amended to read as follows:

8 381.009 1. Any property held by an institution for 3 years or  
9 more, to which no person has made claim, shall be deemed to be  
10 abandoned and , *except as otherwise provided in subsection 4,*  
11 becomes the property of the Division if the Administrator complies  
12 with the provisions of subsection 2.

13 2. The Administrator shall cause to be published in at least one  
14 newspaper of general circulation in the county in which the  
15 institution is located at least once a week for 2 consecutive weeks a  
16 notice and listing of the property. The notice must contain:

17 (a) The name and last known address, if any, of the last known  
18 owner of the property;

19 (b) A description of the property; and

20 (c) A statement that if proof of a claim is not presented by the  
21 owner to the institution and if the owner's right to receive the  
22 property is not established to the Administrator's satisfaction within  
23 60 days after the date of the second published notice, the property  
24 will be considered abandoned and become the property of the  
25 Division.

26 3. If no claim has been made to the property within 60 days  
27 after the date of the second published notice, title, including literary  
28 rights, to the property vests in the Division, free from all claims of  
29 the owner and of all persons claiming through or under the owner.

30 *4. If property deemed to be abandoned pursuant to subsection*  
31 *1 is native Indian human remains or another cultural item of an*  
32 *Indian tribe, the Administrator shall:*

33 *(a) Provide notice to and consult with each applicable Indian*  
34 *tribe in the manner provided by section 2 of this act;*

35 *(b) Determine which Indian tribe has the closest cultural*  
36 *affiliation to the human remains or other cultural item, in the*  
37 *manner provided by section 3 of this act; and*

38 *(c) Return the human remains or other cultural item to the*  
39 *closest culturally affiliated Indian tribe in the manner provided by*  
40 *the repatriation process adopted pursuant to section 5 of this act, if*  
41 *a request for repatriation is made.*

42 *5. To be deemed an object of cultural significance, an object*  
43 *must have ongoing historical, traditional or cultural importance*  
44 *central to an Indian tribe or culture itself, rather than property*  
45 *owned by a member of an Indian tribe, and which, therefore,*



1 *cannot be alienated, appropriated or conveyed by any person,*  
2 *regardless of whether the person is a member of the Indian tribe.*  
3 *The object must have been considered inalienable by the Indian*  
4 *tribe at the time the object was separated from such group.*

5 6. *As used in this section:*

6 (a) *“Cultural item” means human remains, a funerary object,*  
7 *a sacred object or an object of cultural significance.*

8 (b) *“Object of cultural significance” means an object which*  
9 *meets the qualifications of subsection 5.*

10 (c) *“Sacred object” means a historic or prehistoric object that*  
11 *was or is needed by traditional religious leaders of an Indian tribe*  
12 *for the practice of the traditional religion of an Indian tribe.*

13 **Sec. 11.** NRS 381.195 is hereby amended to read as follows:

14 381.195 As used in NRS 381.195 to 381.227, inclusive ~~†~~ ,  
15 *and section 6 of this act:*

16 1. “Historic” means from the middle of the 18th century until  
17 50 years before the current year.

18 2. “Historic site” means a site, landmark or monument of  
19 historical significance pertaining to the history of the settlement of  
20 Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs  
21 and burials.

22 3. “Museum Director” means the Museum Director of the  
23 Nevada State Museum.

24 4. “Prehistoric” means before the middle of the 18th century.

25 5. “Prehistoric site” means any archeological or  
26 paleontological site, ruin, deposit, fossilized footprints and other  
27 impressions, petroglyphs and pictographs, habitation caves, rock  
28 shelters, natural caves, burial ground or sites of religious or cultural  
29 importance to an Indian tribe.

30 **Sec. 12.** (Deleted by amendment.)

31 **Sec. 13.** (Deleted by amendment.)

32 **Sec. 13.5.** NRS 381.199 is hereby amended to read as follows:

33 381.199 1. An applicant is required to secure, from the  
34 Museum Director, or an agent designated by the Museum Director,  
35 a permit *described in NRS 381.197* for the investigation,  
36 exploration or excavation of any state or federal lands within the  
37 boundaries of the State of Nevada.

38 2. If the land to be investigated, explored or excavated is  
39 owned or held by the United States, the applicant is also required to  
40 secure a permit from the proper authorities in accordance with the  
41 provisions of 16 U.S.C. §§ 431 to 433, inclusive.

42 **Sec. 14.** NRS 381.201 is hereby amended to read as follows:

43 381.201 *I.* The Museum Director may designate any state  
44 board, state department, division of a state department or state  
45 institution as an agent for the purpose of issuing permits ~~†. The~~





1 ~~agency so designated may adopt regulations relating to~~  
2 ~~investigations, explorations or excavations carried out pursuant to~~  
3 ~~any permit issued by that agency.] pursuant to NRS 381.195 to~~  
4 ~~381.227, inclusive, and section 6 of this act.~~

5 2. *If the Museum Director designates an agent pursuant to*  
6 *subsection 1:*

7 (a) *The agent must act in the manner in which the Museum*  
8 *Director is required to act pursuant to provisions of NRS 381.195*  
9 *to 381.227, inclusive, and section 6 of this act, and any regulations*  
10 *adopted pursuant thereto; and*

11 (b) *The Museum Director must ensure that the agent acts in*  
12 *the manner in which the Museum Director is required to act*  
13 *pursuant to provisions of NRS 381.195 to 381.227, inclusive, and*  
14 *section 6 of this act, and any regulations adopted pursuant thereto.*

15 **Sec. 15.** NRS 381.203 is hereby amended to read as follows:

16 381.203 1. In order to qualify as the recipient of a permit ~~†~~  
17 *described in NRS 381.197*, the applicant must show:

18 (a) That the investigation, exploration or excavation is  
19 undertaken for the benefit of a reputable museum, university,  
20 college or other recognized scientific or educational institution, with  
21 a view of increasing knowledge.

22 (b) That the gathering is made for permanent preservation in  
23 public museums or other recognized educational or scientific  
24 institutions.

25 (c) That the applicant possesses sufficient knowledge and  
26 scientific training to make such an investigation, exploration or  
27 excavation.

28 (d) The location of the site where the applicant proposes to  
29 investigate, explore or excavate.

30 2. The Museum Director may prescribe reasonable regulations  
31 for carrying out such investigations, explorations or excavations.

32 **Sec. 15.5.** NRS 381.205 is hereby amended to read as follows:

33 381.205 Upon granting ~~the~~ a permit ~~†~~ *described in NRS*  
34 *381.197*, the Museum Director shall immediately notify the Office  
35 of Historic Preservation, the sheriff in the county in which the  
36 permit is to be exercised, and personnel of the Nevada Highway  
37 Patrol controlling the state roads of the district embracing the site in  
38 which the permit is to be exercised.

39 **Sec. 16.** NRS 381.207 is hereby amended to read as follows:

40 381.207 1. The holder of a permit ~~†~~ *described in NRS*  
41 *381.197*, except as otherwise provided in subsections 2 and 3, who  
42 does work upon aboriginal mounds and earthworks, ancient burial  
43 grounds, prehistoric sites, deposits of fossil bones or other  
44 archeological and vertebrate paleontological features within the  
45 State shall give to the State 50 percent of all articles, implements



1 and materials found or discovered ~~H~~ *of which the holder retained*  
2 *possession after completion of the process set forth in subsection*  
3 *4*, to be deposited with the Nevada State Museum, for exhibition or  
4 other use within the State as determined by the Museum Director.  
5 The Museum Director may accept less than 50 percent of such  
6 items. Upon receipt of items pursuant to this subsection, the  
7 Museum Director shall notify the Office of Historic Preservation.

8 2. The holder of a permit *described in NRS 381.197* who does  
9 any such work within the State under the authority and direction of  
10 the Nevada Historical Society, the Nevada State Museum Las  
11 Vegas, or an institution or political subdivision of the State shall  
12 give 50 percent of all articles, implements and materials found or  
13 discovered *of which the holder retained possession after*  
14 *completion of the process set forth in subsection 4*, to the Society,  
15 institution or political subdivision. The holder of the permit may  
16 retain the other 50 percent.

17 3. If the Nevada Historical Society, the Nevada State Museum  
18 Las Vegas, or an institution or political subdivision of the State is  
19 the holder of the permit, it may retain all articles, implements and  
20 materials found or discovered ~~H~~ *of which it retained possession*  
21 *after completion of the process set forth in subsection 4*.

22 4. *If any of the articles, implements or materials found or*  
23 *discovered are prehistoric native Indian human remains or*  
24 *funerary objects, the Museum Director shall:*

25 (a) *Provide notice to and consult with each applicable Indian*  
26 *tribe in accordance with section 2 of this act;*

27 (b) *Determine which Indian tribe has the closest cultural*  
28 *affiliation to the prehistoric native Indian human remains or*  
29 *funerary objects in accordance with section 3 of this act; and*

30 (c) *Return any prehistoric native Indian human remains or*  
31 *funerary objects discovered to the closest culturally affiliated*  
32 *Indian tribe in accordance with the repatriation process adopted*  
33 *pursuant to section 5 of this act, if a request for repatriation is*  
34 *made.*

35 5. Whenever the Office of Historic Preservation acquires  
36 articles, implements and materials under the provisions of this  
37 section, they must be transferred to the Museum Director for  
38 exhibition or other use within the State as determined by the  
39 Museum Director.

40 **Sec. 17.** NRS 381.209 is hereby amended to read as follows:

41 381.209 The Museum Director may limit a permit *described in*  
42 *NRS 381.197* as to time and location. ~~H~~ *Such a* permit may not be  
43 granted:

44 1. For a period of more than 1 year.



1 2. For investigation, exploration or excavation in a larger area  
2 than the applicant can reasonably be expected to explore fully and  
3 systematically within the time limit set in the permit.

4 3. For the removal of any ancient monument, structure or site  
5 which can be permanently preserved under the control of the State  
6 of Nevada in situ, and remain an object of interest, if desired by the  
7 State, for a park, landmark or monument for the benefit of the  
8 public.

9 **Sec. 18.** NRS 381.211 is hereby amended to read as follows:

10 381.211 A permit *described in NRS 381.197* may be renewed  
11 for an additional period of time upon application by the permit  
12 holder, if the work contemplated by the permit has been diligently  
13 prosecuted.

14 **Sec. 18.5.** NRS 381.213 is hereby amended to read as follows:

15 381.213 Failure to begin work under the permit within 6  
16 months after the effective date of ~~{the permit,}~~ *a permit described in*  
17 *NRS 381.197*, or failure to prosecute diligently such work after it is  
18 begun, shall render the permit void without any order from the  
19 Board.

20 **Sec. 19.** NRS 381.215 is hereby amended to read as follows:

21 381.215 *1.* After the close of each season's work, within a  
22 reasonable time designated in ~~{the}~~ *a permit* ~~{}~~ *described in NRS*  
23 *381.197*, every permit holder shall furnish to the Museum Director a  
24 report containing a detailed account of the work done, material  
25 collected and other pertinent data.

26 *2. Except as otherwise provided in subsection 3, if any of the*  
27 *work done, material collected or other pertinent data pertains to*  
28 *prehistoric native Indian human remains or a funerary object, the*  
29 *Museum Director shall:*

30 *(a) Provide notice to and consult with each applicable Indian*  
31 *tribe in accordance with section 2 of this act;*

32 *(b) Determine which Indian tribe has the closest cultural*  
33 *affiliation to the prehistoric native Indian human remains or*  
34 *funerary object in accordance with section 3 of this act; and*

35 *(c) Furnish the report described in subsection 1 to the closest*  
36 *culturally affiliated Indian tribe, if any.*

37 *3. The Museum Director is not required to comply with the*  
38 *provisions of paragraph (a) of subsection 2 if the Museum*  
39 *Director has already obtained the information necessary to make*  
40 *the determination required pursuant to paragraph (b) of*  
41 *subsection 2 through the process set forth in NRS 381.195 to*  
42 *381.227, inclusive.*



1       **Sec. 19.5.** NRS 381.217 is hereby amended to read as follows:  
2       381.217 A ~~permit~~ holder *of a permit described in NRS*  
3 *381.197* may collect specimens of petrified wood, subject to the  
4 limitations of NRS 206.320.

5       **Sec. 20.** (Deleted by amendment.)

6       **Sec. 21.** NRS 381.221 is hereby amended to read as follows:

7       381.221 The Division of State Parks of the State Department of  
8 Conservation and Natural Resources, and personnel thereof, the  
9 sheriffs in their respective counties, the Nevada Highway Patrol, and  
10 all other peace officers shall be charged with the enforcement of  
11 NRS 381.195 to 381.227, inclusive ~~+~~, *and section 6 of this act.*  
12 Those persons charged with the enforcement of NRS 381.195 to  
13 381.227, inclusive, *and section 6 of this act* may, ~~+~~ *within their*  
14 *established jurisdiction:*

15       1. *At* any time, examine the permit of any person claiming  
16 privileges granted under NRS ~~381.195 to 381.227, inclusive,~~  
17 *381.197* and may fully examine all work done under the permit ~~+~~;  
18 *and*

19       2. *Examine the permit of a person claiming privileges under*  
20 *a permit issued pursuant to section 6 of this act in the manner set*  
21 *forth in the regulations adopted pursuant to that section.*

22       **Sec. 22.** NRS 381.223 is hereby amended to read as follows:

23       381.223 1. Any object of antiquity taken, or collection made,  
24 on historic or prehistoric sites covered by NRS ~~381.195 to 381.227,~~  
25 ~~inclusive,~~ *381.197* without a permit must be seized by the proper  
26 law enforcement officers, who shall notify the Museum Director of  
27 the action ~~+. The object or collection so taken must be forfeited to~~  
28 ~~the State for exhibition or other use within the State as determined~~  
29 ~~by the Museum Director.~~ *and deposit the object or collection with*  
30 *the Museum Director for safekeeping.* Upon receipt of any  
31 ~~forfeited~~ item *seized* pursuant to this section the Museum Director  
32 shall notify the Office of Historic Preservation. *Except as otherwise*  
33 *provided in subsection 2, any object or collection so taken must be*  
34 *forfeited to the State for exhibition or other use within the State as*  
35 *determined by the Museum Director.*

36       2. *If an object of antiquity or collection seized pursuant to*  
37 *subsection 1 is prehistoric native Indian human remains or a*  
38 *funerary object, the Museum Director shall:*

39       (a) *Provide notice to and consult with each applicable Indian*  
40 *tribe in accordance with section 2 of this act;*

41       (b) *Determine which Indian tribe has the closest cultural*  
42 *affiliation to the prehistoric native Indian human remains or*  
43 *funerary object in accordance with section 3 of this act; and*

44       (c) *Return the prehistoric native Indian human remains or*  
45 *funerary object to the closest culturally affiliated Indian tribe in*



1 *accordance with the repatriation process adopted pursuant to*  
2 *section 5 of this act, if a request for repatriation is made.*

3 **Sec. 23.** NRS 381.227 is hereby amended to read as follows:

4 381.227 Unless a greater penalty is provided by a specific  
5 statute and except as otherwise provided in NRS 381.225, any  
6 person violating any of the provisions of NRS 381.195 to 381.227,  
7 inclusive, *and section 6 of this act* is guilty of a misdemeanor.

8 **Sec. 24.** Chapter 383 of NRS is hereby amended by adding  
9 thereto the provisions set forth as sections 25, 26 and 26.5 of this  
10 act.

11 **Sec. 25.** (Deleted by amendment.)

12 **Sec. 26.** *The Office shall adopt regulations as necessary to*  
13 *carry out the provisions of this section and section 26.5 of this act*  
14 *and NRS 383.150 to 383.440, inclusive, including, without*  
15 *limitation, regulations which set forth the process for repatriation*  
16 *of prehistoric native Indian human remains and funerary objects.*  
17 *The regulations must be developed in consultation with Indian*  
18 *tribes and incorporate the values, beliefs and traditions of the*  
19 *Indian tribes as determined and conveyed by the members of the*  
20 *Indian tribes during the consultation with the Office.*

21 **Sec. 26.5.** *Notwithstanding any provision of this chapter to*  
22 *the contrary, the Office is not required to provide notice to or*  
23 *consult with an Indian tribe as required pursuant to this chapter if*  
24 *the Office provides such notice to or consultation with the Indian*  
25 *tribe pursuant to federal law.*

26 **Sec. 27.** NRS 383.011 is hereby amended to read as follows:

27 383.011 As used in this chapter, unless the context otherwise  
28 requires:

29 1. "Administrator" means the Administrator of the Office.

30 2. "Advisory Board" means the Board of Museums and  
31 History.

32 3. "Commission" means the Commission for Cultural Centers  
33 and Historic Preservation created by NRS 383.500.

34 4. *"Cultural affiliation" has the meaning ascribed to it in*  
35 *NRS 381.001.*

36 5. "Cultural resources" means any objects, sites or information  
37 of historic, prehistoric, archeological, architectural or  
38 paleontological significance.

39 ~~5-1~~ 6. "Department" means the State Department of  
40 Conservation and Natural Resources.

41 ~~6-1~~ 7. "Director" means the Director of the Department.

42 ~~7-1~~ 8. "Office" means the Office of Historic Preservation of  
43 the Department.

44 9. *"Indian tribe" means any tribe, band, nation or other*  
45 *organized group or community of Indians which is recognized as*



1 *eligible for the special programs and services provided by the*  
2 *United States to native Indians because of their status as native*  
3 *Indians.*

4 *10. "Prehistoric" has the meaning ascribed to it in*  
5 *NRS 381.195.*

6 **Sec. 28.** NRS 383.021 is hereby amended to read as follows:

7 383.021 1. The Office of Historic Preservation is hereby  
8 created.

9 2. The Office shall:

10 (a) Encourage, plan and coordinate historic preservation and  
11 archeological activities within the State, including programs to  
12 survey, record, study and preserve or salvage cultural resources.

13 (b) *Carry out the provisions of section 26 of this act.*

14 (c) Compile and maintain an inventory of cultural resources in  
15 Nevada deemed significant by the Administrator.

16 ~~(e)~~ (d) Designate repositories for the materials that comprise  
17 the inventory.

18 ~~(d)~~ (e) Provide staff assistance to the Commission.

19 3. *An Indian tribe may be designated as a repository to*  
20 *receive prehistoric native Indian human remains or funerary*  
21 *objects pursuant to paragraph (d) of subsection 2 if agreed to by*  
22 *the Indian tribe.*

23 4. The Comstock Historic District Commission is within the  
24 Office.

25 **Sec. 29.** (Deleted by amendment.)

26 **Sec. 30.** NRS 383.121 is hereby amended to read as follows:

27 383.121 1. All departments, commissions, boards and other  
28 agencies of the State and its political subdivisions shall cooperate  
29 with the Office in order to salvage or preserve historic, prehistoric  
30 or paleoenvironmental evidence located on property owned or  
31 controlled by the United States, the State of Nevada or its political  
32 subdivisions. *The Office shall consult with Indian tribes in order*  
33 *to salvage or preserve prehistoric native Indian human remains or*  
34 *funerary objects located on such property.*

35 2. ~~When~~ *Except as otherwise provided in subsection 10,*  
36 *when* any agency of the State or its political subdivisions is  
37 preparing or has contracted to excavate or perform work of any kind  
38 on property owned or controlled by the United States, the State of  
39 Nevada or its political subdivisions which may endanger historic,  
40 prehistoric or paleoenvironmental evidence found on the property,  
41 or when any artifact, site or other historic or prehistoric evidence is  
42 discovered in the course of such excavation or work, the agency or  
43 the contractor hired by the agency shall notify the Office and  
44 cooperate with the Office to the fullest extent practicable, within the  
45 appropriations available to the agency or political subdivision for



1 that purpose, to preserve or permit study of such evidence before its  
2 destruction, displacement or removal.

3 3. *Upon receiving notice pursuant to subsection 2 of the*  
4 *potential endangerment of or the discovery of prehistoric native*  
5 *Indian human remains or a funerary object, the Office shall*  
6 *immediately notify, in writing, and initiate consultation with any*  
7 *Indian tribe:*

8 (a) *Who is or is likely to be culturally affiliated with the*  
9 *prehistoric native Indian human remains or funerary object;*

10 (b) *On whose aboriginal lands the prehistoric native Indian*  
11 *human remains or funerary object was discovered; or*

12 (c) *Who is reasonably known to have a direct cultural*  
13 *relationship to the prehistoric native Indian human remains or*  
14 *funerary object.*

15 4. *The written notice must include a proposed time and place*  
16 *for the consultation with the Office.*

17 5. *Except as otherwise provided in subsection 6, within 10*  
18 *days after the notice is given by the Office, the Office shall,*  
19 *consult with the Indian tribe which has the closest cultural*  
20 *affiliation to the prehistoric native Indian human remains or*  
21 *funerary object as determined by the Office.*

22 6. *Failure of an Indian tribe to respond within 10 days after*  
23 *notice has been given to the Indian tribe pursuant to subsection 3*  
24 *shall be deemed a waiver of the requirement for consultation with*  
25 *the Indian tribe.*

26 7. *After the period for consultation described in subsection 5,*  
27 *the agency of the State or its political subdivision described in*  
28 *subsection 2 shall, to the fullest extent practicable, within the*  
29 *appropriations available to the agency or political subdivision,*  
30 *develop a resolution for the affected property that is consistent*  
31 *with the standard of preservation described in the Secretary of the*  
32 *Interior's Standards and Guidelines for Archeology and Historic*  
33 *Preservation as set forth in 48 Federal Register 44716 on*  
34 *September 29, 1983, and any amendments thereto.*

35 8. *The provisions of this section must be made known to all*  
36 *private contractors performing such excavation or work for any*  
37 *agency of the State or its political subdivisions.*

38 9. *The provisions of subsections 3 to 7, inclusive, do not apply*  
39 *to an agency of the State or its political subdivisions if the*  
40 *preparation or contract to excavate or perform work described in*  
41 *subsection 2 is subject to an existing agreement with:*

42 (a) *The closest culturally affiliated Indian tribe that relates to*  
43 *the discovery of prehistoric native Indian human remains or a*  
44 *funerary object; or*





1 (b) *A federal agency that was executed pursuant to federal law*  
2 *and that relates to the discovery of prehistoric native Indian*  
3 *human remains or a funerary object.*

4 10. *The requirements set forth in NRS 383.150 to 383.180,*  
5 *inclusive, apply if an Indian burial site, as defined in NRS*  
6 *383.150, is disturbed.*

7 **Sec. 31.** NRS 383.150 is hereby amended to read as follows:

8 383.150 As used in NRS 383.150 to 383.190, inclusive, unless  
9 the context otherwise requires:

10 1. "Cairn" means stones or other material placed in a pile as a  
11 memorial or monument to the dead.

12 2. *"Funerary object" has the meaning ascribed to it in*  
13 *NRS 381.001.*

14 3. "Grave" means an excavation for burial of a human body.

15 ~~3.~~ 4. "Indian burial site" means the area including and  
16 immediately surrounding the cairn or grave of a native Indian.

17 ~~4. "Indian tribe" means a Nevada Indian tribe recognized by~~  
18 ~~the Secretary of the Interior.~~

19 5. *"Nondestructive analysis" means analysis performed using*  
20 *scientific or technological techniques to evaluate the properties of*  
21 *a material, component or system without causing damage.*

22 6. "Professional archeologist" means a person who holds a  
23 graduate degree in archeology, anthropology or a closely related  
24 field as determined by the Administrator.

25 **Sec. 32.** NRS 383.160 is hereby amended to read as follows:

26 383.160 The Office shall:

27 1. Upon application by:

28 (a) An interested landowner, assist the landowner in ~~negotiating~~  
29 ~~an agreement with an Indian tribe for~~ *contacting the Indian tribe*  
30 *which has the closest cultural affiliation to an Indian burial site*  
31 *and any artifacts and human remains associated with the site so*  
32 *that the landowner may directly consult with the Indian tribe, if*  
33 *any, concerning* the treatment and disposition of ~~an~~ *the* Indian  
34 burial site and any artifacts and human remains associated with the  
35 site; and

36 (b) Either party, mediate a dispute arising between a landowner  
37 and an Indian tribe relating to the treatment and disposition of an  
38 Indian burial site and any artifacts and human remains associated  
39 with the site.

40 2. In performing its duties pursuant to NRS 383.150 to  
41 383.190, inclusive, endeavor to:

42 (a) Protect Indian burial sites and any associated artifacts and  
43 human remains from *excavation*, vandalism and destruction; and

44 (b) ~~Provide~~ *In consultation with the closest culturally*  
45 *affiliated Indian tribe, provide* for the sensitive treatment and





1 disposition of Indian burial sites and any associated artifacts and  
2 human remains consistent with the planned use of land.

3 **3. Determine which Indian tribe has the closest cultural**  
4 **affiliation to the Indian burial site and any artifacts and human**  
5 **remains associated with the site.**

6 **Sec. 33.** NRS 383.170 is hereby amended to read as follows:

7 383.170 1. **Except as otherwise provided in subsection 2:**

8 **(a)** A person who disturbs the cairn or grave of a native Indian  
9 through inadvertence while engaged in a lawful activity such as  
10 construction, mining, logging or farming or any other person who  
11 discovers the cairn or grave of a native Indian that has not been  
12 previously reported to the Office shall immediately report the  
13 discovery and the location of the Indian burial site to the Office.

14 ~~{The}~~

15 **(b) Upon receiving a report pursuant to paragraph (a), the**  
16 **Office shall immediately** ~~{consult with the Nevada Indian~~  
17 ~~Commission and notify the appropriate}~~ **notify, in writing, and**  
18 **initiate consultation with any Indian tribe** ~~{}~~ :

19 **(1) Who is or is likely to be culturally affiliated with the**  
20 **Indian burial site;**

21 **(2) On whose aboriginal lands the Indian burial site was**  
22 **discovered; or**

23 **(3) Who is reasonably known to have a direct cultural**  
24 **relationship to the Indian burial site.**

25 **(c) The written notice must include a proposed time and place**  
26 **for the consultation with the Office.**

27 **(d) Except as otherwise provided in paragraph (e), within 10**  
28 **days after the notice is given by the Office, the landowner shall**  
29 **consult with the Indian tribe which has the closest cultural**  
30 **affiliation to the Indian burial site, as determined by the Office,**  
31 **concerning the treatment and disposition of the site and all**  
32 **artifacts and human remains associated with the site.** The Indian

33 **tribe may, with the permission of the landowner, inspect the site .**  
34 ~~{and}~~ **Within 10 days after the inspection, if any, the Indian tribe**  
35 **may recommend an appropriate means for the treatment and**  
36 **disposition of the site and all artifacts and human remains associated**  
37 **with the site.**

38 ~~{2-}~~ **Those recommendations may include, without limitation,**  
39 **that any human remains or artifacts associated with the site are:**

40 **(1) Preserved in place;**

41 **(2) Reinterred at another location that is determined in**  
42 **consultation with the Indian tribe which has the closest cultural**  
43 **affiliation to the human remains or artifacts associated with the**  
44 **site; or**



1 (3) Returned to the closest culturally affiliated Indian tribe,  
2 in accordance with the repatriation process adopted pursuant to  
3 section 26 of this act, if a request for repatriation is made.

4 ↳ Within 10 days after receiving the recommendations, if any, for  
5 the treatment and disposition of the site and all artifacts and  
6 human remains associated with the site, the landowner may  
7 appeal the recommendations to the Office.

8 (e) Failure of an Indian tribe to respond within 10 days after  
9 notice has been given to the Indian tribe pursuant to paragraph  
10 (b) shall be deemed a waiver of the requirement for consultation  
11 with the Indian tribe.

12 (f) If the Indian burial site is located on private land and:

13 ~~[(a)]~~ (1) The Office fails to identify the closest culturally  
14 affiliated Indian tribe or consultation with the closest culturally  
15 affiliated Indian tribe ~~[fails to make a recommendation within 48~~  
16 ~~hours after it receives notification]~~ is waived pursuant to ~~[subsection~~  
17 ~~4.]~~ paragraph (e); or

18 ~~[(b)]~~ (2) The landowner rejects the recommendation made  
19 pursuant to paragraph (d) and mediation conducted pursuant to  
20 NRS 383.160 fails to provide measures acceptable to the landowner,  
21 ↳ the landowner shall, at his or her own expense, reinter with  
22 appropriate dignity all artifacts and human remains associated with  
23 the site in a location not subject to further disturbance.

24 ~~[(c)]~~ (g) If the Indian burial site is located on public land and  
25 action is necessary to protect the burial site from immediate  
26 destruction, the Office may cause a professional archeologist to  
27 excavate the site and remove all artifacts and human remains  
28 associated with the site for subsequent reinterment, ~~[following~~  
29 ~~scientific study.]~~ under the supervision of the closest culturally  
30 affiliated Indian tribe ~~[-~~  
31 ~~4.]~~, if any.

32 (h) Any other excavation of an Indian burial site may be  
33 conducted only:

34 ~~[(a)]~~ (1) By a professional archeologist;

35 ~~[(b)]~~ (2) After written notification to the Administrator; and

36 ~~[(c)]~~ (3) With the prior written consent of the ~~[appropriate]~~  
37 closest culturally affiliated Indian tribe ~~[-]~~, if any. Failure of ~~[(a)]~~ an  
38 Indian tribe to respond to a request for permission within 60 days  
39 after its mailing by certified mail, return receipt requested, shall be  
40 deemed consent to the excavation.

41 ↳ All artifacts and human remains removed during such an  
42 excavation must ~~[- following scientific study.]~~ be reinterred under  
43 the supervision of the closest culturally affiliated Indian tribe, if  
44 any, except that the Indian tribe may, by explicit written consent,  
45 authorize the public display of a particular artifact ~~[-]~~ if the public



1 *display is respectful, as determined in consultation with the Indian*  
2 *tribe. The archeologist, closest culturally affiliated Indian tribe, if*  
3 *any, and landowner shall negotiate an agreement to determine who*  
4 *will pay the expenses related to the interment.*

5 *(i) The Office shall determine which Indian tribe has the*  
6 *closest cultural affiliation to an Indian burial site and all artifacts*  
7 *and human remains associated with the site.*

8 *(j) Prehistoric native Indian human remains or funerary*  
9 *objects discovered at an Indian burial site:*

10 *(1) Must not be subjected to scientific study unless the*  
11 *Office reasonably determines that scientific study is necessary for*  
12 *the limited purpose of determining which Indian tribe has the*  
13 *closest cultural affiliation to the prehistoric native Indian human*  
14 *remains or funerary objects; and*

15 *(2) Must not be separated when the prehistoric native*  
16 *Indian human remains and funerary objects are reinterred.*

17 *(k) Nondestructive analysis on any other artifacts removed*  
18 *from an Indian burial site may be conducted only with the explicit*  
19 *written consent of the closest culturally affiliated Indian tribe, if*  
20 *any.*

21 *2. The provisions of subsection 1 do not apply:*

22 *(a) To a permit issued pursuant to section 6 of this act; or*

23 *(b) If the person who disturbed the cairn or grave of a native*  
24 *Indian through inadvertence while engaged in a lawful activity is*  
25 *subject to an existing agreement with:*

26 *(1) The closest culturally affiliated Indian tribe that relates*  
27 *to the discovery of prehistoric native Indian human remains or a*  
28 *funerary object; or*

29 *(2) A federal agency that was executed pursuant to federal*  
30 *law and that relates to the discovery of prehistoric native Indian*  
31 *human remains or a funerary object.*

32 **Sec. 34.** NRS 383.180 is hereby amended to read as follows:

33 383.180 1. Except as otherwise provided in NRS 383.170, a  
34 person who willfully removes ~~H~~ *without obtaining any required*  
35 *permit*, mutilates, defaces, injures or destroys the cairn or grave of a  
36 native Indian is guilty of a gross misdemeanor and shall be  
37 ~~punished~~ :

38 *(a) Punished* by a fine of ~~1500~~ *\$2,000* for the first offense, or  
39 by a fine of not more than ~~3,000~~ *\$4,500* for a second or  
40 subsequent offense, and may be further punished by imprisonment  
41 in the county jail for not more than 364 days ~~H~~ ; and

42 *(b) Ordered to pay for the costs to reinter with appropriate*  
43 *dignity all artifacts and human remains associated with the cairn*  
44 *or grave.*



1 2. A person who fails to notify the Office of the discovery and  
2 location of an Indian burial site in violation of NRS 383.170 is  
3 guilty of a gross misdemeanor and shall be punished by a fine of  
4 \$500 for the first offense, or by a fine of not more than \$1,500 for a  
5 second or subsequent offense, and may be further punished by  
6 imprisonment in the county jail for not more than 364 days.

7 3. A person who:

8 (a) Possesses any artifact or human remains taken from the cairn  
9 or grave of a native Indian on or after October 1, 1989, in a manner  
10 other than that authorized by NRS 383.170;

11 (b) Publicly displays or exhibits any of the human remains of a  
12 native Indian, except during a funeral ceremony; or

13 (c) Sells any artifact or human remains taken from the cairn or  
14 grave of a native Indian,

15 is guilty of a category D felony and shall be punished as provided  
16 in NRS 193.130.

17 4. This section does not apply to:

18 (a) The possession or sale of an artifact:

19 (1) Discovered in or taken from a location other than the  
20 cairn or grave of a native Indian; or

21 (2) Removed from the cairn or grave of a native Indian by  
22 other than human action; or

23 (b) Action taken by a peace officer in the performance of his or  
24 her duties.

25 **Sec. 35.** (Deleted by amendment.)

26 **Sec. 36.** NRS 383.430 is hereby amended to read as follows:

27 383.430 1. Upon request by any state agency or political  
28 subdivision, the Office may enter into an agreement with that state  
29 agency or political subdivision regarding any land which the state  
30 agency or political subdivision intends to acquire from an agency of  
31 the Federal Government. The agency of the Federal Government  
32 may be a party to the agreement. *If the land includes any  
33 prehistoric native Indian human remains or funerary objects, the  
34 Indian tribe which has the closest cultural affiliation to the  
35 prehistoric native Indian human remains or funerary objects may  
36 request that the Office enter into such an agreement.*

37 2. An agreement made pursuant to subsection 1 must:

38 (a) *If the agreement involves land that includes any prehistoric  
39 native Indian human remains or funerary objects, include the  
40 Indian tribe which has the closest cultural affiliation to the  
41 prehistoric native Indian human remains or funerary objects, if  
42 any, as a party to the agreement;*

43 (b) Include provisions that are sufficient to ensure that the land,  
44 when acquired, will receive protection for any historic or prehistoric



1 site at a level equivalent to the protection provided if the land had  
2 remained under federal ownership;

3 ~~†(b)†~~ (c) Require the state agency or political subdivision to  
4 submit a proposal and consult with the Office before changing the  
5 use of the land or initiating a project on any portion of the land; and

6 ~~†(e)†~~ (d) Require that any expenses associated with carrying out  
7 the agreement are the responsibility of the state agency or political  
8 subdivision.

9 3. If a state agency or political subdivision submits a proposal  
10 to change the use of the land or initiate a project on any portion of  
11 the land pursuant to paragraph ~~†(b)†~~ (c) of subsection 2, the state  
12 agency or political subdivision shall:

13 (a) Provide to the Office a written statement:

14 (1) Identifying any Indian tribes that may be concerned with  
15 the religious or cultural importance of the site and other interested  
16 persons for inclusion in the consultation required pursuant to  
17 paragraph ~~†(b)†~~ (c) of subsection 2;

18 (2) Identifying any historic or prehistoric sites in accordance  
19 with the requirements of the Office for recording and reporting for  
20 those sites;

21 (3) Evaluating any historic or prehistoric sites for inclusion  
22 in the State Register of Historic Places, including any text  
23 excavations or other research;

24 (4) Evaluating the effect of the change in use of the land or  
25 the project on a historic or prehistoric site that is eligible for  
26 inclusion in the State Register of Historic Places; and

27 (5) Evidencing the preparation and carrying out of treatment  
28 plans that comply with the requirements of the Office for those  
29 plans; and

30 (b) Any other information relating to the proposed change of use  
31 required by the Office.

32 ***4. The Office shall determine which Indian tribe has the  
33 closest cultural affiliation to the prehistoric native Indian human  
34 remains or funerary objects.***

35 **Sec. 37.** NRS 383.435 is hereby amended to read as follows:

36 383.435 1. Except as otherwise provided in this section, a  
37 person who knowingly and willfully removes, mutilates, defaces,  
38 excavates, injures or destroys a historic or prehistoric site or  
39 resource on state land or who receives, traffics in or sells cultural  
40 property appropriated from state land without a valid permit, unless  
41 a greater penalty is provided by a specific statute:

42 (a) For a first offense, is guilty of a misdemeanor and shall be  
43 punished by a fine of ~~†\$500.†~~ ***\$1,000.***

44 (b) For a second or subsequent offense, is guilty of a gross  
45 misdemeanor and shall be punished by imprisonment in the county



1 jail for not more than 364 days or by a fine of not more than  
2 ~~§3000.~~ **§3,500**, or by both fine and imprisonment.

3 2. This section does not apply to any action taken:

4 (a) In accordance with an agreement with the Office entered into  
5 pursuant to NRS 383.430; or

6 (b) In accordance with the provisions of NRS 381.195 to  
7 381.227, inclusive, **and section 6 of this act** by the holder of a  
8 permit issued pursuant to those sections.

9 3. In addition to any other penalty, a person who violates a  
10 provision of this section is liable for civil damages to the state  
11 agency or political subdivision which has jurisdiction over the state  
12 land in an amount equal to the cost or, in the discretion of the court,  
13 an amount equal to twice the cost of the restoration, stabilization  
14 and interpretation of the site plus any court costs and fees.

15 **Sec. 38.** NRS 383.500 is hereby amended to read as follows:

16 383.500 1. The Commission for Cultural Centers and  
17 Historic Preservation is hereby created. The Commission is advisory  
18 to the Department and consists of:

19 (a) The Chair of the Board of Trustees of Nevada Humanities or  
20 a member of the Board of Trustees of Nevada Humanities  
21 designated by the Chair;

22 (b) The Chair of the Board of the Nevada Arts Council of the  
23 Department of Tourism and Cultural Affairs or a member of the  
24 Board of the Nevada Arts Council designated by the Chair;

25 (c) The Chair of the Advisory Board or a member of the  
26 Advisory Board designated by the Chair;

27 (d) A member of the Advisory Board appointed by the  
28 Governor;

29 (e) ***A member of the Advisory Board appointed by the***  
30 ***Governor after giving consideration to any recommendation of an***  
31 ***enrolled member of a Nevada Indian tribe which is submitted by***  
32 ***the Nevada Indian Commission, after consultation with the Inter-***  
33 ***Tribal Council of Nevada, Inc., or its successor organization;***

34 (f) One representative of the general public who has a working  
35 knowledge of the promotion of tourism in Nevada **and who is**  
36 appointed by the Governor; and

37 ~~(g)~~ (g) The Chair of the State Council on Libraries and  
38 Literacy or a member of the State Council on Libraries and Literacy  
39 designated by the Chair.

40 2. The Commission shall:

41 (a) Elect from its membership a Chair who shall serve for a term  
42 of 2 years. A vacancy occurring in this position must be filled by  
43 election of the members of the Commission for the remainder of the  
44 unexpired term.

45 (b) Prescribe rules for its own management and government.



1 (c) Meet biannually, or at more frequent times if it deems  
2 necessary, and may, within the limitations of its budget, hold special  
3 meetings at the call of the Chair.

4 3. ~~Three~~ **Four** members of the Commission constitute a  
5 quorum, but a majority of the members of the Commission is  
6 necessary to consider particular business before it and to exercise  
7 the power conferred on the Commission.

8 4. The members of the Commission are not entitled to be paid  
9 a salary, but are entitled, while engaged in the business of the  
10 Commission, to receive the per diem allowance and travel expenses  
11 provided for state officers and employees generally.

12 **Sec. 38.3.** 1. There is hereby appropriated from the State  
13 General Fund to the Office of Historic Preservation of the State  
14 Department of Conservation and Natural Resources the sum of  
15 \$1,390 for Fiscal Year 2018-2019 for the in-state travel costs for the  
16 member appointed to the Commission for Cultural Centers and  
17 Historic Preservation pursuant to paragraph (e) of subsection 1 of  
18 NRS 383.500, as amended by section 38 of this act.

19 2. Any remaining balance of the appropriation made by  
20 subsection 1 must not be committed for expenditure after June 30,  
21 2019, by the entity to which the appropriation is made or any entity  
22 to which money from the appropriation is granted or otherwise  
23 transferred in any manner, and any portion of the appropriated  
24 money remaining must not be spent for any purpose after  
25 September 20, 2019, by either the entity to which the money was  
26 appropriated or the entity to which the money was subsequently  
27 granted or transferred, and must be reverted to the State General  
28 Fund on or before September 20, 2019.

29 **Sec. 38.5.** 1. There is hereby appropriated from the State  
30 General Fund to the Division of Museums and History of the  
31 Department of Tourism and Cultural Affairs the sum of \$4,301 for  
32 Fiscal Year 2017-2018 and the sum of \$288 for Fiscal Year 2018-  
33 2019 for expenses relating to the adoption of regulations required by  
34 the provisions of this act and in-state travel, per diem and  
35 compensation for the member appointed to the Board of Museums  
36 and History pursuant to paragraph (c) of subsection 2 of NRS  
37 381.002, as amended by section 8 of this act.

38 2. Expenditure of \$5,256 by the Division of Museums and  
39 History of the Department of Tourism and Cultural Affairs from the  
40 Fund for the Promotion of Tourism created by NRS 231.250 is  
41 hereby authorized during Fiscal Year 2017-2018 for the purpose set  
42 forth in subsection 1.

43 3. Expenditure of \$352 by the Division of Museums and  
44 History of the Department of Tourism and Cultural Affairs from the  
45 Fund for the Promotion of Tourism created by NRS 231.250 is





1 hereby authorized during Fiscal Year 2018-2019 for the purpose set  
2 forth in subsection 1.

3 4. Any balance of the sums appropriated by subsection 1  
4 remaining at the end of the respective fiscal years must not be  
5 committed for expenditure after June 30 of the respective fiscal  
6 years by the entity to which the appropriation is made or any entity  
7 to which money from the appropriation is granted or otherwise  
8 transferred in any manner, and any portion of the appropriated  
9 money remaining must not be spent for any purpose after  
10 September 21, 2018, and September 20, 2019, respectively, by  
11 either the entity to which the money was appropriated or the entity  
12 to which the money was subsequently granted or transferred, and  
13 must be reverted to the State General Fund on or before  
14 September 21, 2018, and September 20, 2019, respectively.

15 **Sec. 38.7.** 1. There is hereby appropriated from the State  
16 General Fund to the Nevada State Museum of the Division of  
17 Museums and History of the Department of Tourism and Cultural  
18 Affairs the sum of \$25,517 for Fiscal Year 2017-2018 and the sum  
19 of \$40,118 for Fiscal Year 2018-2019 for the costs associated with a  
20 full-time position to carry out the provisions of NRS 381.195 to  
21 381.227, inclusive, and the provisions of this act.

22 2. Expenditure of \$31,187 by the Nevada State Museum from  
23 the Fund for the Promotion of Tourism created by NRS 231.250 is  
24 hereby authorized during Fiscal Year 2017-2018 for the purpose set  
25 forth in subsection 1.

26 3. Expenditure of \$49,033 by the Nevada State Museum from  
27 the Fund for the Promotion of Tourism created by NRS 231.250 is  
28 hereby authorized during Fiscal Year 2018-2019 for the purpose set  
29 forth in subsection 1.

30 4. Any balance of the sums appropriated by subsection 1  
31 remaining at the end of the respective fiscal years must not be  
32 committed for expenditure after June 30 of the respective fiscal  
33 years by the entity to which the appropriation is made or any entity  
34 to which money from the appropriation is granted or otherwise  
35 transferred in any manner, and any portion of the appropriated  
36 money remaining must not be spent for any purpose after  
37 September 21, 2018, and September 20, 2019, respectively, by  
38 either the entity to which the money was appropriated or the entity  
39 to which the money was subsequently granted or transferred, and  
40 must be reverted to the State General Fund on or before  
41 September 21, 2018, and September 20, 2019, respectively.

42 **Sec. 39.** 1. This section becomes effective upon passage and  
43 approval.

44 2. Sections 38.3, 38.5 and 38.7 of this act become effective on  
45 July 1, 2017.





- 1       3. Sections 1 to 38, inclusive, of this act become effective:
- 2       (a) Upon passage and approval for the purpose of adopting
- 3 regulations and performing any other preparatory tasks that are
- 4 necessary to carry out the provisions of this act; and
- 5       (b) On July 1, 2018, for all other purposes.







