

SENATE BILL NO. 364—SENATORS KRASNER, GOICOECHEA, SEEVERS GANSERT; FLORES, HANSEN, D. HARRIS AND PAZINA

MARCH 22, 2023

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to cultural remains. (BDR 33-533)

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 ~~fornitted material~~ is material to be omitted.

AN ACT relating to cultural remains; requiring, under certain circumstances, a law enforcement agency to communicate with an Indian tribe or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain human remains; requiring the Office to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations to carry out the provisions of existing law relating to the protection of Indian burial sites and historic and prehistoric sites. (NRS 383.440) **Section 2** of this bill instead requires the Office to adopt such regulations. **Section 3** of this bill requires that the Office adopt such regulations not later than December 31, 2023.

Section 1 of this bill provides that if a law enforcement agency goes to a location where human remains are found that are reasonably believed to be a native Indian, the law enforcement agency, as part of an investigation, is required to: (1) communicate with a representative of an Indian tribe located within the county where the remains are found; or (2) notify the Office. **Section 2** makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.



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

1 **Section 1.** Chapter 383 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *If a law enforcement agency goes to a location where*
4 *human remains are found that are reasonably believed to be*
5 *native Indian, the law enforcement agency must, as part of an*
6 *investigation:*

7 (a) *Communicate with a representative of an Indian tribe*
8 *located within the county where the remains are found; or*

9 (b) *Notify the Office.*

10 2. *As used in this section, "law enforcement agency" has the*
11 *meaning ascribed to it in NRS 289.010.*

12 **Sec. 2.** NRS 383.440 is hereby amended to read as follows:

13 383.440 1. The Office ~~may~~ *shall* adopt regulations to carry
14 out the provisions of NRS 383.400 to 383.440, inclusive.

15 2. The Office shall adopt regulations as necessary to carry out
16 the provisions of NRS 383.150 to 383.440, inclusive, *and section 1*
17 *of this act*, including, without limitation, regulations which set forth
18 the process for repatriation of prehistoric native Indian human
19 remains and funerary objects. The regulations must be developed in
20 consultation with Indian tribes and incorporate the values, beliefs
21 and traditions of the Indian tribes as determined and conveyed by
22 the members of the Indian tribes during the consultation with the
23 Office.

24 **Sec. 3.** Not later than December 31, 2023, the Office of
25 Historic Preservation of the State Department of Conservation and
26 Natural Resources shall adopt regulations to carry out the provisions
27 of NRS 383.150 to 383.440, inclusive, and section 1 of this act, as
28 required pursuant to NRS 383.440, as amended by section 2 of this
29 act.

30 **Sec. 4.** This act becomes effective upon passage and approval.

