

(Reprinted with amendments adopted on May 31, 2023)

SECOND REPRINT

S.B. 364

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

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

Legislative Counsel’s Digest:

1 Existing law authorizes the Office of Historic Preservation of the State
2 Department of Conservation and Natural Resources to adopt regulations to carry
3 out the provisions of existing law relating to the protection of Indian burial sites
4 and historic and prehistoric sites. (NRS 383.440) **Section 3** of this bill requires that
5 the Office deliver such proposed regulations to the Legislative Counsel not later
6 than December 31, 2023.
7 **Section 1** of this bill provides that if a law enforcement agency goes to a
8 location where human remains are found that are reasonably believed to be a native
9 Indian, the law enforcement agency, as part of an investigation, is required to: (1)
10 communicate with the Nevada Indian Commission; or (2) notify the Office. **Section**
11 **1** further requires the Nevada Indian Commission, if the Commission receives
12 communication from a law enforcement agency, to consult with a representative of
13 an Indian tribe located within the county in which the remains are found. **Section 1**
14 also requires the Department to adopt regulations to carry out the provisions of
15 **section 1. Section 3** requires the Department to deliver such proposed regulations
16 to the Legislative Counsel not later than December 31, 2023.



* S B 3 6 4 R 2 *

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 the Nevada Indian Commission for the*
8 *purposes described in subsection 2; or*

9 (b) *Notify the Office.*

10 2. *If the Nevada Indian Commission receives communication*
11 *from a law enforcement agency pursuant to subsection 1, the*
12 *Nevada Indian Commission shall consult with a representative of*
13 *an Indian tribe located within the county in which the remains are*
14 *found.*

15 3. *The Department shall adopt regulations as necessary to*
16 *carry out the provisions of this section. The Department may adopt*
17 *such regulations without consultation with any Indian tribe.*

18 4. *As used in this section, "law enforcement agency" has the*
19 *meaning ascribed to it in NRS 289.010.*

20 **Sec. 2.** (Deleted by amendment.)

21 **Sec. 3.** Not later than December 31, 2023:

22 1. The Office of Historic Preservation of the State Department
23 of Conservation and Natural Resources shall deliver proposed
24 regulations to the Legislative Counsel pursuant to NRS 233B.063 to
25 carry out the provisions of NRS 383.150 to 383.440, inclusive, as
26 required pursuant to NRS 383.440.

27 2. The State Department of Conservation and Natural
28 Resources shall deliver proposed regulations to the Legislative
29 Counsel pursuant to NRS 233B.063 to carry out the provisions of
30 section 1 of this act as required pursuant to section 1 of this act.

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

