

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 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 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: (1)
5 such regulations to incorporate the values, beliefs and traditions of the Indian tribes
6 of this State and requires the Nevada Indian Commission to consult with Indian
7 tribes on behalf of the Office and submit the results of the consultation to the
8 Office; and (2) that the Office deliver such proposed regulations to the Legislative
9 Counsel not later than December 31, 2023.

10 **Section 1** of this bill provides that if a law enforcement agency goes to a
11 location where human remains are found that are reasonably believed to be a native
12 Indian, the law enforcement agency, as part of an investigation, is required to: (1)
13 consult with a representative of an Indian tribe located within the county where the
14 remains are found; or (2) notify the Office.



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) Consult with a representative of an Indian tribe located***
8 ***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.** (Deleted by amendment.)

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

14 1. The regulations adopted by the Office of Historic
15 Preservation of the State Department of Conservation and Natural
16 Resources pursuant to NRS 383.440 must incorporate the values,
17 beliefs and traditions of the Indian tribes. The Nevada Indian
18 Commission shall consult with Indian tribes on behalf of the Office
19 to incorporate the values, beliefs and traditions of the Indian tribes
20 as determined and conveyed by the members of the Indian tribes and
21 submit the results of the consultation to the Office.

22 2. The Office shall deliver proposed regulations to the
23 Legislative Counsel pursuant to NRS 233B.063 to carry out the
24 provisions of NRS 383.150 to 383.440, inclusive, as required
25 pursuant to NRS 383.440.

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

