

SENATE BILL NO. 397—SENATOR PORTER

MARCH 12, 1999

Referred to Committee on Natural Resources

SUMMARY—Authorizes division of state lands of state department of conservation and natural resources to establish and carry out certain programs relating to preservation of unique archaeological or historical sites. (BDR 26-1530)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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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 public lands; authorizing the division of state lands of the state department of conservation and natural resources to establish and carry out certain programs relating to the preservation of unique archaeological or historical sites; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 321 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 6, inclusive, of this act.
3 **Sec. 2.** *The legislature hereby finds and declares that:*
4 1. *There are various unique and irreplaceable sites in this state of*
5 *archeological or historical significance.*
6 2. *Certain of these sites are in danger of degradation and destruction*
7 *from the encroachment of urban development.*
8 3. *This state has a compelling interest in preserving, protecting,*
9 *restoring and enhancing these sites.*
10 4. *The preservation, protection, restoration and enhancement of*
11 *these sites is a matter of such significance that it must be carried out on a*
12 *continual basis.*
13 5. *It is in the best interest of this state to grant to the division*
14 *continuing authority to carry out programs to preserve, protect, restore*
15 *and enhance such unique and irreplaceable sites in this state.*

1 **Sec. 3.** *The division, in cooperation with the office of historic*
2 *preservation of the department of museums, library and arts, may*
3 *establish and carry out programs to preserve, protect, restore and*
4 *enhance unique archeological or historical sites in this state, including,*
5 *without limitation, programs to:*

6 1. *Prevent and mitigate the detrimental effects of urban development*
7 *that affect such sites;*

8 2. *Prevent and control the degradation and destruction of such sites;*

9 3. *Preserve, protect, restore and enhance the unique character of*
10 *such sites; and*

11 4. *Acquire and manage real property and interests in real property*
12 *for the preservation and protection of such sites.*

13 **Sec. 4.** 1. *In carrying out a program authorized pursuant to*
14 *section 3 of this act, the division may, as the state land registrar deems*
15 *appropriate regarding particular parcels of land:*

16 (a) *Acquire real property or an interest in real property in this state by*
17 *donation, purchase or exchange;*

18 (b) *Transfer real property or an interest in real property in this state*
19 *by sale, lease or exchange;*

20 (c) *Eliminate, or mitigate the effects of, urban development, or*
21 *features or conditions of real property acquired pursuant to paragraph*
22 *(a) that are detrimental to the unique archeological or historical sites in*
23 *this state; and*

24 (d) *Retire, extinguish or otherwise terminate rights to develop real*
25 *property acquired pursuant to paragraph (a).*

26 2. *The state land registrar may transfer real property or an interest in*
27 *real property acquired pursuant to this section:*

28 (a) *To state and federal agencies, local governments and nonprofit*
29 *organizations for such consideration as the state land registrar deems to*
30 *be reasonable and in the interest of the general public.*

31 (b) *To other persons for a price that is not less than the fair market*
32 *value of the real property or interest.*

33 3. *Before real property or an interest in real property is transferred*
34 *pursuant to this section, the state land registrar shall record a declaration*
35 *of restrictions or deed restrictions if the state land registrar determines*
36 *that such restrictions are necessary to protect the public interest.*

37 4. *The state land registrar shall report quarterly to the state board of*
38 *examiners regarding the real property or interests in real property*
39 *transferred pursuant to this section.*

40 5. *Notwithstanding any other provision of law, a person shall not*
41 *acquire, disturb or use real property or an interest in real property*
42 *acquired pursuant to this section unless the person first obtains written*
43 *authorization from the state land registrar.*

1 6. As used in this section, "interest in real property" includes,
2 without limitation:

3 (a) An easement for conservation as that term is defined in NRS
4 111.410;

5 (b) The right to develop the real property; and

6 (c) Such other easements or rights as are appurtenant to the real
7 property.

8 Sec. 5. In carrying out the provisions of sections 2 to 6, inclusive, of
9 this act:

10 1. The division may, as the state land registrar deems appropriate,
11 cooperate and enter into agreements with state and federal agencies,
12 local governments, nonprofit organizations and other persons or entities
13 involved in the preservation and restoration of archeological or historical
14 sites in this state.

15 2. The state land registrar may, within the limits of available money,
16 make grants to other state agencies, local governments and nonprofit
17 organizations.

18 Sec. 6. The state land registrar may adopt such regulations as he
19 deems necessary to carry out the provisions of sections 2 to 6, inclusive,
20 of this act.

21 Sec. 7. This act becomes effective on July 1, 1999.