

ASSEMBLY BILL NO. 230—ASSEMBLYMEN MORTENSON,
DE BRAGA, CHOWNING AND MCCLAIN

FEBRUARY 26, 2001

JOINT SPONSORS: SENATORS RAWSON AND RHOADS

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Makes various changes relating to protection of cultural resources.
(BDR 33-600)

FISCAL NOTE: Effect on Local Government: No.
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 resources; requiring the administrator of the office of historic preservation of the department of museums, library and arts to establish a stewardship program for the protection of cultural resources; requiring the administrator to establish an advisory commission for certain purposes; 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 383 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2. 1. *The administrator shall, by regulation, establish a***
4 ***stewardship program to:***
5 ***(a) Protect cultural resources in this state;***
6 ***(b) Increase public awareness of the significance and value of***
7 ***cultural resources and the damage done to cultural resources by***
8 ***vandalism;***
9 ***(c) Discourage vandalism of cultural resources and the sale and trade***
10 ***of artifacts;***
11 ***(d) Support the adoption and enforcement of national, state, tribal and***
12 ***local laws and regulations to preserve cultural resources;***
13 ***(e) Support and encourage high standards for the investigation of***
14 ***cultural resources throughout this state;***
15 ***(f) Promote cooperation among agencies, organizations, Indian tribes***
16 ***and natural persons who are concerned about the protection of cultural***



1 *resources and enter into agreements with such agencies, organizations,*
2 *Indian tribes and natural persons to promote the protection of cultural*
3 *resources; and*

4 *(g) Add to the inventory of cultural resources maintained pursuant to*
5 *NRS 383.021.*

6 *2. The administrator shall select, train and certify volunteers to serve*
7 *in the stewardship program based upon policy, criteria and procedures*
8 *established by the administrator.*

9 *3. The stewardship program must:*

10 *(a) In cooperation with agencies, organizations, Indian tribes and*
11 *natural persons who are concerned about the protection of cultural*
12 *resources, create a list of sites that are cultural resources in this state for*
13 *monitoring;*

14 *(b) Establish activities for periodic monitoring by volunteers of*
15 *cultural resources on the list created pursuant to paragraph (a);*

16 *(c) Establish requirements for reporting damage, threats of damage or*
17 *vandalism of cultural resources to appropriate authorities as determined*
18 *by the administrator; and*

19 *(d) Establish programs for educating the public concerning the*
20 *significance and value of cultural resources and the loss to the public*
21 *resulting from damage to cultural resources.*

22 *4. The administrator shall coordinate the cooperation of federal*
23 *authorities, Indian tribes and state and local governmental agencies, as*
24 *necessary, to carry out the stewardship program.*

25 *5. The administrator and the office shall provide administrative*
26 *support to the stewardship program.*

27 *6. Volunteers selected for the stewardship program serve without*
28 *compensation and are not entitled to receive a per diem allowance or*
29 *travel expenses.*

30 **Sec. 3. 1. The administrator shall create an advisory commission**
31 **on stewardship of cultural resources to advise the administrator on issues**
32 **relating to the stewardship program.**

33 **2. The administrator shall appoint as members of the advisory**
34 **commission:**

35 *(a) At least one person who is a representative of an Indian tribe;*

36 *(b) At least one person who is an archeologist;*

37 *(c) At least one person who is a representative of the University and*
38 *Community College System of Nevada;*

39 *(d) At least one person who is a representative of the division of state*
40 *parks of the state department of conservation and natural resources; and*

41 *(e) At least one person who is a representative of the general public;*

42 *(f) As the administrator deems appropriate, such other persons who*
43 *possess a demonstrated interest or expertise in one or more of the*
44 *following fields:*

45 *(1) Prehistoric archeology.*

46 *(2) Historic archeology.*

47 *(3) Paleontology.*

48 *(4) Ethnology.*

49 *(5) Law enforcement.*



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1 (6) *Architecture.*

2 (7) *History.*

3 3. *The members of the advisory commission serve:*

4 (a) *At the pleasure of the administrator; and*

5 (b) *Except as otherwise provided in subsections 4 and 5, without*
6 *compensation and without receiving a per diem allowance or travel*
7 *expenses.*

8 4. *A member of the advisory commission may receive a per diem*
9 *allowance and travel expenses if the administrator determines that*
10 *extraordinary circumstances warrant such pay and that money is*
11 *available for this.*

12 5. *A state agency, local government or public institution shall not*
13 *require an officer or employee who is a member of the advisory*
14 *commission to make up the time he is absent from work to carry out his*
15 *duties as a member, and shall not require the member to take annual*
16 *vacation or compensatory time for the absence. Each member of the*
17 *advisory commission who is an officer or employee of the state, a local*
18 *government or a public institution must be:*

19 (a) *Relieved from his duties without loss of his regular compensation*
20 *so that he may prepare for and attend meetings of the advisory*
21 *commission and perform any work necessary to carry out the duties of*
22 *the advisory commission in the most timely manner practicable;*

23 (b) *Compensated for attending meetings and performing other work*
24 *for the advisory commission as if such work were part of his regular*
25 *duties in his position of employment with the state or a local government;*
26 *and*

27 (c) *Paid a per diem allowance and travel expenses for attending*
28 *meetings and performing other work for the advisory commission as if*
29 *such work were part of his regular duties in his position of employment*
30 *with the state or a local government.*

31 6. *The members of the advisory commission shall select a chairman*
32 *and such other officers as the commission deems appropriate.*

33 **Sec. 4.** *The advisory commission shall:*

34 1. *Advise the administrator on:*

35 (a) *Conducting programs of education to promote the protection of*
36 *cultural resources and inform the public on issues relating to cultural*
37 *resources;*

38 (b) *Encouraging the enforcement of laws to prevent theft, damage,*
39 *vandalism and other activities destructive to cultural resources;*

40 (c) *Enhancing the statewide historic preservation plan prepared*
41 *pursuant to NRS 383.081, including matters concerning the acquisition*
42 *and management of sites that are cultural resources;*

43 (d) *Developing a mechanism to assist a person who owns a cultural*
44 *resource or real property upon which a cultural resource is located to*
45 *protect and manage the cultural resource;*

46 (e) *Encouraging the continued study of archeology and paleontology*
47 *in this state; and*

48 (f) *Activities and issues relating to archeology and paleontology.*



- 1 2. *Not later than January 15 of each odd-numbered year, prepare*
2 *and submit to the director of the legislative counsel bureau a report of*
3 *the activities of the advisory commission. The director of the legislative*
4 *counsel bureau shall transmit the report to the assembly standing*
5 *committee on natural resources, agriculture, and mining and to the*
6 *senate standing committee on natural resources.*
- 7 **Sec. 5.** NRS 383.011 is hereby amended to read as follows:
8 383.011 As used in this chapter, unless the context otherwise requires:
9 1. "Administrator" means the administrator of the office.
10 2. "Advisory board" means the board of museums and history.
11 3. *"Artifacts" includes both archeological and paleontological*
12 *materials.*
- 13 4. *"Cultural resources" means objects, sites and information of*
14 *historic, prehistoric, archeological, architectural, paleontological or*
15 *traditional significance.*
- 16 5. "Director" means the director of the department of museums, library
17 and arts.
- 18 ~~14-~~ 6. "Office" means the office of historic preservation of the
19 department of museums, library and arts.
- 20 **Sec. 6.** NRS 383.021 is hereby amended to read as follows:
21 383.021 1. The office of historic preservation is hereby created.
22 2. The office shall:
23 (a) Encourage, plan and coordinate historic preservation and
24 archeological activities within the state, including programs to survey,
25 record, study and preserve or salvage ~~objects, localities and information of~~
26 ~~historic, prehistoric and paleoenvironmental significance.~~ *cultural*
27 *resources.*
- 28 (b) Compile and maintain an inventory of ~~historic, archeological and~~
29 ~~architectural~~ *cultural* resources in Nevada deemed significant by the
30 administrator.
- 31 (c) Designate repositories for the materials that comprise the inventory.
32 3. The Comstock historic district commission is within the office.
- 33 **Sec. 7.** This act becomes effective on July 1, 2001.

