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FIRST REPRINT

A.B. 230

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, native***
16 ***American tribes and natural persons who are concerned about the***



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1 *protection of cultural resources and enter into agreements with such*
2 *agencies, organizations, native American tribes and natural persons to*
3 *promote the protection of cultural 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, native American*
11 *tribes and natural persons who are concerned about the protection of*
12 *cultural resources, create a list of sites that are cultural resources in this*
13 *state for 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, native American tribes and state and local governmental*
24 *agencies, as 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 member of a native American tribe in*
36 *this state and who is appointed from a list of nominees from the Inter-*
37 *Tribal Council of Nevada, Inc.;*

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

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

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

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

44 *(f) At least one person who is a representative of the mining industry;*

45 *(g) At least one person who is actively engaged in ranching; and*

46 *(h) As the administrator deems appropriate, such other persons who*
47 *possess a demonstrated interest or expertise in one or more of the*
48 *following fields:*



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- 1 (1) *Prehistoric archeology.*
- 2 (2) *Historic archeology.*
- 3 (3) *Paleontology.*
- 4 (4) *Ethnology.*
- 5 (5) *Law enforcement.*
- 6 (6) *Architecture.*
- 7 (7) *History.*
- 8 3. *The members of the advisory commission serve:*
- 9 (a) *At the pleasure of the administrator; and*
- 10 (b) *Except as otherwise provided in subsections 4 and 5, without*
- 11 *compensation and without receiving a per diem allowance or travel*
- 12 *expenses.*
- 13 4. *A member of the advisory commission may receive a per diem*
- 14 *allowance and travel expenses if the administrator determines that*
- 15 *extraordinary circumstances warrant such pay and that money is*
- 16 *available for this.*
- 17 5. *A state agency, local government or public institution shall not*
- 18 *require an officer or employee who is a member of the advisory*
- 19 *commission to make up the time he is absent from work to carry out his*
- 20 *duties as a member, and shall not require the member to take annual*
- 21 *vacation or compensatory time for the absence. Each member of the*
- 22 *advisory commission who is an officer or employee of the state, a local*
- 23 *government or a public institution must be:*
- 24 (a) *Relieved from his duties without loss of his regular compensation*
- 25 *so that he may prepare for and attend meetings of the advisory*
- 26 *commission and perform any work necessary to carry out the duties of*
- 27 *the advisory commission in the most timely manner practicable;*
- 28 (b) *Compensated for attending meetings and performing other work*
- 29 *for the advisory commission as if such work were part of his regular*
- 30 *duties in his position of employment with the state or a local government;*
- 31 *and*
- 32 (c) *Paid a per diem allowance and travel expenses for attending*
- 33 *meetings and performing other work for the advisory commission as if*
- 34 *such work were part of his regular duties in his position of employment*
- 35 *with the state or a local government.*
- 36 6. *The members of the advisory commission shall select a chairman*
- 37 *and such other officers as the commission deems appropriate.*
- 38 **Sec. 4. The advisory commission shall:**
- 39 1. *Advise the administrator on:*
- 40 (a) *Conducting programs of education to promote the protection of*
- 41 *cultural resources and inform the public on issues relating to cultural*
- 42 *resources;*
- 43 (b) *Encouraging the enforcement of laws to prevent theft, damage,*
- 44 *vandalism and other activities destructive to cultural resources;*
- 45 (c) *Enhancing the statewide historic preservation plan prepared*
- 46 *pursuant to NRS 383.081, including matters concerning the acquisition*
- 47 *and management of sites that are cultural resources;*



1 (d) Developing a mechanism to assist a person who owns a cultural
2 resource or real property upon which a cultural resource is located to
3 protect and manage the cultural resource;

4 (e) Encouraging the continued study of archeology and paleontology
5 in this state; and

6 (f) Activities and issues relating to archeology and paleontology.

7 2. Not later than January 15 of each odd-numbered year, prepare
8 and submit to the director of the legislative counsel bureau a report of
9 the activities of the advisory commission. The director of the legislative
10 counsel bureau shall transmit the report to the assembly standing
11 committee on natural resources, agriculture, and mining and to the
12 senate standing committee on natural resources.

13 Sec. 5. NRS 383.011 is hereby amended to read as follows:

14 383.011 As used in this chapter, unless the context otherwise requires:

15 1. "Administrator" means the administrator of the office.

16 2. "Advisory board" means the board of museums and history.

17 3. "Artifacts" includes both archeological and paleontological
18 materials.

19 4. "Cultural resources" means objects, sites and information of
20 historic, prehistoric, archeological, architectural, paleontological or
21 traditional significance.

22 5. "Director" means the director of the department of museums, library
23 and arts.

24 ~~14-~~ 6. "Office" means the office of historic preservation of the
25 department of museums, library and arts.

26 Sec. 6. NRS 383.021 is hereby amended to read as follows:

27 383.021 1. The office of historic preservation is hereby created.

28 2. The office shall:

29 (a) Encourage, plan and coordinate historic preservation and
30 archeological activities within the state, including programs to survey,
31 record, study and preserve or salvage ~~objects, localities and information of~~
32 ~~historic, prehistoric and paleoenvironmental significance.~~ cultural
33 resources.

34 (b) Compile and maintain an inventory of ~~historic, archeological and~~
35 ~~architectural~~ cultural resources in Nevada deemed significant by the
36 administrator.

37 (c) Designate repositories for the materials that comprise the inventory.

38 3. The Comstock historic district commission is within the office.

39 Sec. 7. This act becomes effective on July 1, 2001.

