

ASSEMBLY BILL NO. 289—ASSEMBLYMAN MORTENSON

MARCH 21, 2005

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Requires Administrator of Office of Historic Preservation of Department of Cultural Affairs to establish stewardship program for protection of cultural resources. (BDR 33-554)

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 Cultural Affairs to establish a stewardship program for the protection of cultural resources; providing funding to carry out the stewardship program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Office of Historic Preservation of the Department of Cultural Affairs protects prehistoric and historic sites, including Indian burial sites. (Chapters 381 and 383 of NRS)

This bill requires the Administrator of the Office of Historic Preservation to establish a stewardship program for cultural resources located on public land in Nevada, including objects, sites or information of historic, prehistoric, archeological, architectural or paleontological significance. The Administrator must select, train and certify unpaid volunteers to serve in the stewardship program. The Administrator must coordinate with federal, state and local governmental agencies, Native American tribes and private industry to carry out the program. The Administrator and the Office must provide administrative services to assist in carrying out the program.

The stewardship program is authorized to: (1) submit to the Administrator a list of cultural resource sites to be monitored; (2) schedule periodic monitoring activities for cultural resources included on the list; (3) establish requirements for reporting damage or threats of damage to cultural resources; and (4) establish programs for educating the public concerning the significance and value of cultural resources and the loss to the public resulting from damage to those resources.



19 This bill also provides funding to carry out the stewardship program for Fiscal
20 Years 2005-2006 and 2006-2007.

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. The Administrator shall, by regulation, establish a*
4 *stewardship program to:*

5 *(a) Protect cultural resources located on public land in this*
6 *State;*

7 *(b) Increase public awareness of the significance and value of*
8 *cultural resources and the damage done to cultural resources by*
9 *an act of vandalism;*

10 *(c) Discourage acts of vandalism and the unlawful sale and*
11 *trade of artifacts, including, without limitation, archeological and*
12 *paleontological materials;*

13 *(d) Support and encourage improved standards for*
14 *investigating and researching cultural resources in this State;*

15 *(e) Promote cooperation among governmental agencies,*
16 *organizations, private industries, Native American tribes and*
17 *persons who wish to protect cultural resources and enter into*
18 *agreements with those agencies, organizations, private industries,*
19 *Native American tribes and persons to promote the protection of*
20 *cultural resources; and*

21 *(f) Increase the inventory of cultural resources maintained*
22 *pursuant to NRS 383.021.*

23 *2. The Administrator shall select, train and certify volunteers*
24 *to serve in the stewardship program based upon the requirements*
25 *established by the Administrator.*

26 *3. The stewardship program may:*

27 *(a) In cooperation with governmental agencies, organizations,*
28 *private industries, Native American tribes and persons specified in*
29 *paragraph (e) of subsection 1, submit a proposed list to the*
30 *Administrator for his approval setting forth any sites that are or*
31 *may include cultural resources located on public land in this*
32 *State;*

33 *(b) Schedule periodic monitoring activities by volunteers of*
34 *sites included on the list approved pursuant to paragraph (a);*

35 *(c) Establish requirements for reporting any act of vandalism*
36 *to appropriate authorities as determined by the Administrator; and*

37 *(d) Establish programs for educating the members of the*
38 *public concerning the significance and value of cultural resources*



1 and the loss to the members of the public resulting from damage to
2 cultural resources.

3 4. The Administrator shall coordinate the activities of federal
4 agencies, private industries, Native American tribes and state and
5 local governmental agencies, as necessary, to carry out the
6 stewardship program.

7 5. The Administrator and the Office shall provide
8 administrative services to assist in carrying out the stewardship
9 program.

10 6. Volunteers selected for the stewardship program serve
11 without compensation and are not entitled to receive any per diem
12 allowance or travel expenses.

13 7. The Administrator may accept gifts, grants, donations or
14 contributions from any source to assist him in carrying out the
15 stewardship program.

16 8. As used in this section, "act of vandalism" means to
17 damage, destroy or commit or threaten to commit any other act
18 that defaces or harms any cultural resources without the consent
19 of the owner or appropriate governmental agency, including,
20 without limitation, inscribing, marking, etching, scratching,
21 drawing, painting on or affixing to the cultural resources any
22 mark, figure or design.

23 Sec. 2. NRS 383.011 is hereby amended to read as follows:

24 383.011 As used in this chapter, unless the context otherwise
25 requires:

26 1. "Administrator" means the Administrator of the Office.

27 2. "Advisory Board" means the Board of Museums and
28 History.

29 3. "Cultural resources" means any objects, sites or
30 information of historic, prehistoric, archeological, architectural or
31 paleontological significance.

32 4. "Director" means the Director of the Department of Cultural
33 Affairs.

34 ~~[4.]~~ 5. "Office" means the Office of Historic Preservation of
35 the Department of Cultural Affairs.

36 Sec. 3. NRS 383.021 is hereby amended to read as follows:

37 383.021 1. The Office of Historic Preservation is hereby
38 created.

39 2. The Office shall:

40 (a) Encourage, plan and coordinate historic preservation and
41 archeological activities within the State, including programs to
42 survey, record, study and preserve or salvage ~~objects, localities and~~
43 ~~information of historic, prehistoric and paleoenvironmental~~
44 ~~significance.]~~ cultural resources.



(b) Compile and maintain an inventory of ~~historic, archeological and architectural~~ **cultural** resources in Nevada deemed significant by the Administrator.

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

3. The Comstock Historic District Commission is within the Office.

Sec. 4. 1. On or before July 1 of the 2005-2006 and 2006-2007 Fiscal Years, the Commission on Tourism shall transfer the following amounts from the proceeds from the taxes imposed on the revenue from the rental of transient lodging which have been credited to the Fund for the Promotion of Tourism to the Office of Historic Preservation of the Department of Cultural Affairs to carry out the stewardship program created pursuant to section 1 of this act:

For the Fiscal Year 2005-2006.....	\$62,608
For the Fiscal Year 2006-2007.....	\$77,225

2. Any balance of the sums transferred pursuant to subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the Fund for the Promotion of Tourism on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 5. This act becomes effective on July 1, 2005.

