

ASSEMBLY BILL NO. 46—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE OFFICE OF HISTORIC PRESERVATION  
OF THE STATE DEPARTMENT OF  
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to historical markers.  
(BDR 33-240)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 historical preservation; revising provisions relating to the responsibility for the installation, maintenance and protection of historical markers; making various other changes related to the State Historical Marker Registry; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources to: (1) establish the qualifications and standards for a historical markers program, designate and make an inventory of qualified sites on both public and privately owned lands and place and maintain historical markers on all public lands and all private lands when the owner consents; (2) establish a state historical marker registry system; and (3) install, maintain and protect, with certain exceptions, all registered historical markers. (NRS 383.091)

**Section 1** of this bill eliminates the requirement for the Administrator to place and maintain historical markers on all public lands and private lands.

Existing law authorizes the Administrator to contract with, or cooperate with, public or private agencies for suitable markers and directional signs, including signs on highways and roads, at the site of, or on the approaches to, registered historical markers. (NRS 383.091) **Section 1** eliminates such authority and requires instead that the state agency or political subdivision on whose property a historical



marker is located be responsible for the installation, maintenance and protection of the registered historical marker and all directional signs at the site of, or on the approaches to, such markers. **Section 1** further requires, to the extent that money is available and authorized to be used for the purpose, that the Administrator reimburse the eligible costs of a local government, nonprofit organization or private landowner to install, maintain or protect registered historical markers.

Existing law requires the Administrator to consult with the Nevada Historical Society to determine the content of the legend on all historical markers and grants the Nevada Historical Society final authority to determine the content of any legend. (NRS 383.091) **Section 1** eliminates the granting of such authority to the Nevada Historical Society and instead requires the Administrator to prepare the legend for any new marker identified in the inventory of qualified sites, upon request by any state agency or political subdivision.

Existing law requires the Administrator of the State Public Works Division of the Department of Administration to direct the making of all repairs and improvements on certain buildings, grounds and properties. (NRS 331.070) **Section 2** of this bill requires the Administrator to also direct the making of all repairs and maintenance of historical markers that are on such buildings, grounds and properties and are registered in the State Historical Marker Registry.

Existing law requires the Department of Transportation to cause to be put up, and to be kept up thereafter, certain road markers, highway signs and informative signs. (NRS 408.417) **Section 3** of this bill requires the Department to also cause to be put up, and to be kept up thereafter, historical markers that are registered in the State Historical Marker Registry and located in the highway right-of-way, in consultation with the Office of Historic Preservation.

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

**Section 1.** NRS 383.091 is hereby amended to read as follows:

383.091 1. The Administrator shall:

(a) Establish the qualifications and standards for a historical markers program, designate *a qualified site when the owner consents* and make an inventory of qualified sites on both public and privately owned lands . ~~[, and place and maintain historical markers on all public lands and all private lands when the owner consents.]~~

(b) Establish a state historical marker registry system.

(c) Consult with the Nevada Historical Society to determine the content of the legend on all markers. ~~[The Nevada Historical Society has the final authority to determine the content of any legend.]~~ *Upon request by any state agency or political subdivision, the Administrator shall prepare the legend for any new historical marker identified in the inventory of qualified sites not already included in the State Historical Marker Registry.*

(d) Solicit the cooperation of owners of private property for the installation of historical markers on eligible properties and structures in order that they may be included in the State Historical Marker Registry.



1 ~~[(c) Except as otherwise provided in subsection 3, install,~~  
2 ~~maintain and protect all registered historical markers.]~~

3 2. ~~[The Administrator may contract with, or cooperate with,~~  
4 ~~public or private agencies for suitable markers and directional signs,~~  
5 ~~including signs on highways and roads, at the site of, or on the~~  
6 ~~approaches to, registered historical markers. The contracts may~~  
7 ~~include provisions]~~ *The state agency or political subdivision on*  
8 *whose property a registered historical marker is located shall be*  
9 *responsible for the installation, maintenance and protection of the*  
10 ~~[markers.]~~ *registered historical marker and all directional signs at*  
11 *the site of, or on the approaches to, the registered historical*  
12 *marker.*

13 3. When the owner of private property consents to the  
14 placement by a nonprofit organization of a historical marker in or on  
15 a structure located on his or her property, the owner shall be deemed  
16 to have consented to the maintenance of the historical marker in or  
17 on the structure for as long as the structure remains standing unless  
18 the owner notifies the nonprofit organization and requests the  
19 organization to remove the historical marker. The owner shall notify  
20 any person to whom he or she sells or otherwise transfers ownership  
21 of the structure of the duty to maintain the historical marker. The  
22 purchaser of a structure in or on which a historical marker has been  
23 placed by a nonprofit organization shall maintain the historical  
24 marker on the structure for as long as he or she owns the structure  
25 and shall notify any person to whom he or she sells or otherwise  
26 transfers ownership of the structure of the duty to maintain the  
27 historical marker unless the purchaser notifies the nonprofit  
28 organization and requests the organization to remove the historical  
29 marker. If the structure in or on which a historical marker is placed  
30 by a nonprofit organization is renovated or remodeled in such a  
31 manner as to require the removal of the historical marker, the owner  
32 shall ensure that the marker is reattached to the structure in the same  
33 place or in a place of similar prominence as soon as practicable after  
34 the completion of the renovation or remodeling project.

35 4. *To the extent that money is available and authorized to be*  
36 *used for the purpose, the Administrator shall reimburse the*  
37 *eligible costs of a local government, nonprofit organization or*  
38 *owner of private land to install, maintain or protect registered*  
39 *historical markers.*

40 **Sec. 2.** NRS 331.070 is hereby amended to read as follows:

41 331.070 1. The Administrator shall have supervision over  
42 and control of all state buildings, grounds and properties not  
43 otherwise provided for by law except for any buildings, grounds or  
44 other properties owned or leased by boards that are exempt from the  
45 provisions of chapter 353 of NRS pursuant to NRS 353.005.



2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.

*3. The Administrator shall direct the making of all repairs and maintenance of historical markers on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.*

4. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and control that are owned by or leased to the State and occupied by such officers, departments, boards, commissions or agencies.

*5. As used in this section, "historical marker" means a historical marker registered in the State Historical Marker Registry pursuant to NRS 383.091.*

**Sec. 3.** NRS 408.417 is hereby amended to read as follows:

408.417 1. As a part of every plan and of all specifications and contracts for the construction of highways, provisions must be made for the erection of permanent guideposts and signboards at every point where another road crosses or diverges from such highways and at all places requiring warning to the traveling public as to the condition of the road, such as dangerous turns and steep grades. Such guideposts and signboards must contain plain and accurate information as to the distances of towns and other points such as is usually contained on signboards for the information of the traveling public.

2. The Department shall:

(a) Cause to be put up, and to be kept up thereafter, on and along the highways, all such usual and necessary road markers and highway signs adopted by the American Association of State Highway and Transportation Officials.

(b) Cause to be put up, and to be kept up thereafter, informative signs, distinctive in color and design, pointing out, calling attention to and descriptive of nearby points, location of and distance to water, and objects of natural, scenic, geographical, geological, paleogeographical and historical interest to the traveler within or passing through the State.

(c) Cause to be put up, and to be kept up thereafter, informative signs which indicate scenic routes.

*(d) Cause to be put up, and to be kept up thereafter, historical markers located in the highway right-of-way, in consultation with the Office of Historic Preservation of the State Department of Conservation and Natural Resources.*



1 3. Every guidepost, signboard, road marker, highway sign,  
2 informative sign , ~~and~~ descriptive sign *and historical marker* put  
3 up by the Department pursuant to this section must contain  
4 measurements based on metric units if:

5 (a) The Federal Highway Administration of the United States  
6 Department of Transportation issues specifications for utilizing  
7 measurements based on metric units; and

8 (b) Money is made available for this purpose by the Federal  
9 Government.

10 4. Any person who willfully tears down, digs up, or in any  
11 manner defaces, destroys or carries away any such guideboards,  
12 road markers, highway signs , ~~or~~ descriptive signs *or historical*  
13 *markers* as provided in this section is guilty of a public offense, as  
14 prescribed in NRS 193.155, proportionate to the value of the  
15 markers or signs destroyed, damaged, removed or defaced and in no  
16 event less than a misdemeanor. The Department has a cause of  
17 action against such a person in a court of competent jurisdiction for  
18 the amount expended for repairs and replacement of such signs and  
19 markers, together with the cost and expenses incurred in the action.

20 *5. As used in this section, "historical marker" means a*  
21 *historical marker registered in the State Historical Marker*  
22 *Registry pursuant to NRS 383.091.*

23 **Sec. 4.** The provisions of NRS 354.599 do not apply to any  
24 additional expenses of a local government that are related to the  
25 provisions of this act.

26 **Sec. 5.** This act becomes effective on July 1, 2023.

