

Amendment No. 928

Assembly Amendment to Senate Bill No. 364 Second Reprint (BDR 33-533)

Proposed by: Assembly Committee on Natural Resources

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 364—SENATORS KRASNER, GOICOECHEA, SEEVERS GANSERT;
FLORES, HANSEN, D. HARRIS AND PAZINA

MARCH 22, 2023

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to cultural remains. (BDR 33-533)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 remains; requiring, under certain circumstances, a law enforcement agency to communicate with ~~the Nevada~~ **an Indian [Commission] tribe** or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain human remains; requiring the Office ~~and the Department~~ to deliver certain regulations to the Legislative Counsel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations to carry out the provisions of existing law relating to the protection of Indian burial sites and historic and prehistoric sites. (NRS 383.440) **Section 3** of this bill requires : (1) **such regulations to incorporate the values, beliefs and traditions of the Indian tribes of this State and requires the Nevada Indian Commission to consult with Indian tribes on behalf of the Office and submit the results of the consultation to the Office; and** (2) that the Office deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.

Section 1 of this bill provides that if a law enforcement agency goes to a location where human remains are found that are reasonably believed to be a native Indian, the law enforcement agency, as part of an investigation, is required to: (1) **communicate consult with the Nevada Indian Commission; a representative of an Indian tribe located within the county where the remains are found;** or (2) notify the Office. ~~Section 1 further requires the Nevada Indian Commission, if the Commission receives communication from a law enforcement agency, to consult with a representative of an Indian tribe located within the county in which the remains are found. Section 1 also requires the Department to adopt regulations to carry out the provisions of section 1. Section 3 requires the Department to deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.~~

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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a law enforcement agency goes to a location where human remains are found that are reasonably believed to be native Indian, the law enforcement agency must, as part of an investigation:

(a) ~~Communicate~~ Consult with ~~the Nevada Indian Commission for the purposes described in subsection 2,~~ a representative of an Indian tribe located within the county where the remains are found; or

(b) Notify the Office.

2. ~~If the Nevada Indian Commission receives communication from a law enforcement agency pursuant to subsection 1, the Nevada Indian Commission shall consult with a representative of an Indian tribe located within the county in which the remains are found.~~

~~3. The Department shall adopt regulations as necessary to carry out the provisions of this section. The Department may adopt such regulations without consultation with any Indian tribe.~~

~~4. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 289.010.~~

Sec. 2. (Deleted by amendment.)

Sec. 3. Not later than December 31, 2023:

1. The regulations adopted by the Office of Historic Preservation of the State Department of Conservation and Natural Resources pursuant to NRS 383.440 must incorporate the values, beliefs and traditions of the Indian tribes. The Nevada Indian Commission shall consult with Indian tribes on behalf of the Office to incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes and submit the results of the consultation to the Office.

2. The Office ~~of Historic Preservation of the State Department of Conservation and Natural Resources~~ shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of NRS 383.150 to 383.440, inclusive, as required pursuant to NRS 383.440.

~~2. The State Department of Conservation and Natural Resources shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of section 1 of this act as required pursuant to section 1 of this act.~~

Sec. 4. This act becomes effective upon passage and approval.