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ASSEMBLY BILL NO. 103—ASSEMBLYWOMEN MARTINEZ AND  
CONSIDINE

FEBRUARY 8, 2021

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Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the preservation of certain prehistoric sites. (BDR 33-763)

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.

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AN ACT relating to historic preservation; revising provisions relating to obtaining a permit to excavate a site on private lands that is known to be a prehistoric Indian burial site; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law: (1) prohibits a person from excavating a site on private lands  
2 located in this State that the person knows is a prehistoric Indian burial site unless  
3 the person first obtains a permit from the Museum Director of the Nevada State  
4 Museum; and (2) provides that a person is not required to obtain such a permit to  
5 engage in a lawful activity on private lands if that activity is engaged in exclusively  
6 for purposes other than the excavation of a prehistoric Indian burial site. (NRS  
7 381.196) This bill provides, instead, that such a permit is not required to engage in  
8 a lawful activity on such private lands if: (1) the activity is exclusively for purposes  
9 other than the excavation of a prehistoric Indian burial site; and (2) the activity  
10 occurs only on a portion of the private lands that does not contain the known  
11 prehistoric Indian burial site.

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

1 **Section 1.** NRS 381.196 is hereby amended to read as follows:  
2 381.196 1. A person shall not excavate a site on private lands  
3 located within this State that the person knows is a prehistoric  
4 Indian burial site unless the person first obtains a permit issued by  
5 the Museum Director.



1 2. A person is not required to obtain a permit pursuant to  
2 subsection 1 to engage in a lawful activity on private lands,  
3 including, without limitation, construction, mining, mineral  
4 exploration, logging, farming, ranching or a federally authorized  
5 activity conducted in compliance with the National Historic  
6 Preservation Act, 54 U.S.C. §§ 300101 et seq., if that activity is  
7 engaged in exclusively for purposes other than the excavation of a  
8 prehistoric Indian burial site ~~§~~ *and the activity occurs only on a*  
9 *portion of the private lands that does not contain the known*  
10 *prehistoric Indian burial site.*

11 3. The Museum Director shall adopt regulations governing a  
12 permit issued pursuant to subsection 1. The regulations must,  
13 without limitation:

14 (a) Set forth the process for obtaining and renewing a permit  
15 required pursuant to subsection 1;

16 (b) Set forth the qualifications of an applicant for such a permit;

17 (c) Require notice to and consultation with the applicable Indian  
18 tribes throughout the permitting process in the manner provided by  
19 NRS 381.0066;

20 (d) Provide for the enforcement of the provisions of this section,  
21 including, without limitation, the examination of the permit of a  
22 person claiming privileges pursuant to this section; and

23 (e) Fully protect the constitutional rights of property owners.

24 4. Any regulations adopted pursuant to this section must be  
25 developed in consultation with Indian tribes and incorporate the  
26 values, beliefs and traditions of the Indian tribes as determined and  
27 conveyed by the members of the Indian tribes during the  
28 consultation with the Museum Director.

29 5. As used in this section, "Indian burial site" has the meaning  
30 ascribed to it in NRS 383.150.

