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SECOND REPRINT

A.B. 264

ASSEMBLY BILL NO. 264—ASSEMBLYMEN PETERS, FLORES; ASSEFA, BILBRAY-AXELROD, CARRILLO, DURAN, FUMO, GORELOW, HAFEN, HARDY, LEAVITT, MARTINEZ, MCCURDY, MUNK, NEAL AND SMITH

MARCH 14, 2019

JOINT SPONSOR: SENATOR SCHEIBLE

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to relations between state agencies and Indian nations or tribes. (BDR 18-671)

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 governmental administration; requiring the Nevada Indian Commission to implement a policy that promotes collaboration between a state agency and Indian tribes; requiring the Governor to meet with the leaders of Indian tribes; requiring certain employees of state agencies to receive certain training; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 New Mexico enacted the State-Tribal Collaboration Act in 2009. The Act
2 promotes increased cooperation and collaboration between the state of New Mexico
3 and the Indian nations or tribes of that state. (N.M. Stat. Ann. § 11-18-1) This bill
4 models the provisions of the State-Tribal Collaboration Act of New Mexico.
5 **Section 6** of this bill requires the Nevada Indian Commission to implement a policy
6 that promotes collaboration and positive government-to-government relations
7 between state agencies and Indian tribes. In developing such a policy, **section 6**
8 requires the Commission to consult with representatives of Indian tribes and state
9 agencies. **Section 6** also requires each state agency to collaborate with Indian tribes
10 in the development and implementation of policies, agreements and programs that
11 affect Indian tribes. **Section 6** further requires certain state agencies to designate a
12 tribal liaison. **Section 6** also requires the head of a state agency and the tribal
13 liaison to collaborate with an Indian tribe to resolve an issue the Indian tribe has



14 identified with a policy, agreement or program of the state agency in accordance
15 with the policy implemented by the Commission. Finally, **section 6** requires the
16 Commission to post on its Internet website a list of the names and contact
17 information for the leaders of the Indian tribes and the tribal liaison of each state
18 agency. **Section 7** of this bill requires the Governor to meet with the Indian tribes at
19 least once a year. **Section 7** also requires certain employees of state agencies to
20 complete certain training. **Section 7** requires each state agency to submit a report to
21 the Nevada Indian Commission, which then must compile the reports and submit
22 them to the Governor and the Director of the Legislative Counsel Bureau. **Section 7**
23 also requires the Commission to submit periodically a report to the Governor and
24 the Director of the Legislative Counsel Bureau on its activities and
25 recommendations. **Section 8** of this bill establishes that a private right of action
26 does not exist under this bill.

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

1 **Section 1.** Chapter 233A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 8, inclusive,
3 of this act.

4 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3.5 to 5, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** (Deleted by amendment.)

9 **Sec. 3.5.** *“Agreement” means a written agreement or a*
10 *written contract of a state agency.*

11 **Sec. 4.** *“Indian tribe” means a federally recognized*
12 *American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.12,*
13 *inclusive.*

14 **Sec. 4.3.** *“Policy” means an official public policy of a state*
15 *agency that creates a common practice relating to a class of issues.*

16 **Sec. 4.7.** *“Program” means an official program of a state*
17 *agency.*

18 **Sec. 5.** *“State agency” means an agency, bureau, board,*
19 *commission, department or division of the Executive Department*
20 *of State Government.*

21 **Sec. 6. 1.** *The Commission shall develop and implement a*
22 *policy that:*

23 *(a) Promotes effective communication and collaboration*
24 *between a state agency and Indian tribes;*

25 *(b) Promotes positive government-to-government relations*
26 *between this State and Indian tribes;*

27 *(c) Promotes cultural competency in providing effective*
28 *services to Indian tribes; and*

29 *(d) Establishes a method for notifying employees of a state*
30 *agency of the provisions of sections 2 to 8, inclusive, of this act,*



1 *and the policy that the Commission develops pursuant to this*
2 *section.*

3 *2. In the process of developing the policy pursuant to*
4 *subsection 1, the Commission shall consult with representatives of*
5 *Indian tribes and of state agencies.*

6 *3. A state agency shall make a reasonable effort to*
7 *collaborate with Indian tribes in the development and*
8 *implementation of policies, agreements and programs of the state*
9 *agency that directly affect Indian tribes.*

10 *4. Each state agency that communicates with Indian tribes on*
11 *a regular basis shall designate a tribal liaison who reports directly*
12 *to the office of the head of the agency. The tribal liaison shall:*

13 *(a) Assist the head of the state agency with ensuring the*
14 *implementation of the policy developed pursuant to subsection 1;*

15 *(b) Serve as a contact person who shall maintain ongoing*
16 *communication between the state agency and affected Indian*
17 *tribes; and*

18 *(c) Ensure that training is provided to the staff of the state*
19 *agency pursuant to subsection 2 of section 7 of this act.*

20 *↳ Nothing in this subsection precludes a tribal liaison from*
21 *providing or facilitating additional training.*

22 *5. If a representative of an Indian tribe, on tribal business,*
23 *contacts a state agency to resolve an issue with a policy, agreement*
24 *or program of the state agency that affects that Indian tribe, the*
25 *tribal liaison of the state agency shall notify the head of the state*
26 *agency of the issue. The head of the state agency, or his or her*
27 *designee, and the tribal liaison must follow the policy developed*
28 *pursuant to subsection 1 to attempt to resolve the issue in*
29 *collaboration with the Indian tribe.*

30 *6. The Commission shall publish on its Internet website an*
31 *accurate list of the names and contact information for the leaders*
32 *of the Indian tribes and for the tribal liaison of each state agency*
33 *that communicates with Indian tribes on a regular basis.*

34 **Sec. 7. 1.** *At least once each year, the Governor shall meet*
35 *with the leaders of Indian tribes in a state-tribal summit to address*
36 *matters of mutual concern.*

37 *2. All heads of a state agency and state agency managers and*
38 *employees who have ongoing communication with Indian tribes*
39 *shall complete a training provided by the Division of Human*
40 *Resource Management of the Department of Administration, in*
41 *consultation with the Commission. Such training must be*
42 *designed to support:*

43 *(a) The promotion of effective communication and*
44 *collaboration between state agencies and Indian tribes;*



1 *(b) The development of positive government-to-government*
2 *relations between this State and Indian tribes; and*

3 *(c) Cultural competency in providing effective services to*
4 *Indian tribes.*

5 **3.** *On or before July 1 of each year, each state agency that*
6 *communicates with Indian tribes on a regular basis shall submit a*
7 *report to the Commission on the activities of the state agency*
8 *pursuant to sections 2 to 8, inclusive, of this act. The report must*
9 *include:*

10 *(a) The name and contact information of each person in the*
11 *state agency who is responsible for developing and implementing*
12 *programs of the state agency that directly affect Indian tribes;*

13 *(b) Any actions taken or planned by the state agency to carry*
14 *out the policy implemented pursuant to section 6 of this act;*

15 *(c) A certification by the Division of Human Resource*
16 *Management of the Department of Administration of the number*
17 *of managers and employees of the state agency who have*
18 *completed the training required pursuant to subsection 2;*

19 *(d) A description of current and planned programs and*
20 *services provided to or directly affecting Indian tribes and the*
21 *amount of funding for each program; and*

22 *(e) A description of the method the state agency established for*
23 *notifying employees of the state agency of the provisions of*
24 *sections 2 to 8, inclusive, of this act.*

25 **4.** *The Commission shall periodically submit to the Governor*
26 *and to the Director of the Legislative Counsel Bureau for*
27 *transmittal to the Legislative Commission:*

28 *(a) A compilation of the reports submitted pursuant to*
29 *subsection 3; and*

30 *(b) A report on the activities and any findings and*
31 *recommendations of the Commission.*

32 **Sec. 8.** *The provisions of sections 2 to 8, inclusive, of this act*
33 *do not establish a private right of action against a state agency or*
34 *a right of review of an action of a state agency.*

35 **Sec. 9.** *Notwithstanding the provisions of section 7 of this act,*
36 *the initial report submitted by each state agency pursuant to*
37 *subsection 3 of section 7 of this act must be submitted on or before*
38 *July 1, 2020.*

39 **Sec. 10.** *The provisions of subsection 1 of NRS 218D.380 do*
40 *not apply to any provision of this act which adds or revises a*
41 *requirement to submit a report to the Legislature.*

42 **Sec. 11.** *This act becomes effective on July 1, 2019.*

