

(Reprinted with amendments adopted on April 22, 2019)

FIRST 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 a representative of an Indian tribe. **Section**
9 **6** also requires each state agency to collaborate with Indian tribes in the
10 development and implementation of policies, agreements and programs that affect
11 Indian tribes. **Section 6** further requires certain state agencies to designate a tribal
12 liaison. **Section 6** also requires the head of a state agency and the tribal liaison to
13 collaborate with an Indian tribe to resolve an issue the Indian tribe has identified



14 with a policy, agreement or program of the state agency in accordance with the
15 policy implemented by the Commission. If the state agency and the Indian tribe are
16 unable to resolve the issue, the head of the state agency must notify the Governor
17 who must then attempt to resolve the issue. Finally, **section 6** requires the
18 Commission to post on its Internet website a list of the names and contact
19 information for the leaders of the Indian tribes and the tribal liaison of each state
20 agency. **Section 7** of this bill requires the Governor to meet with the Indian tribes at
21 least once a year. **Section 7** also requires certain employees of state agencies to
22 complete certain training. **Section 7** requires each state agency to submit a report to
23 the Nevada Indian Commission, which then must compile the reports and submit
24 them to the Governor and the Director of the Legislative Counsel Bureau. **Section 7**
25 also requires the Commission to submit a report to the Governor and the Director of
26 the Legislative Counsel Bureau on its activities and recommendations. **Section 8** of
27 this bill establishes that a private right of action 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 4 and 5 of this act have the meanings ascribed to them in*
7 *those sections.*

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

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

12 **Sec. 5.** *“State agency” means an agency, bureau, board,*
13 *commission, department or division of the Executive Department*
14 *of State Government.*

15 **Sec. 6. 1.** *The Commission shall develop and implement a*
16 *policy that:*

17 *(a) Promotes effective communication and collaboration*
18 *between a state agency and Indian tribes;*

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

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

23 *(d) Establishes a method for notifying employees of a state*
24 *agency of the provisions of sections 2 to 8, inclusive, of this act,*
25 *and the policy that the Commission develops pursuant to this*
26 *section.*

27 **2.** *In the process of developing the policy pursuant to*
28 *subsection 1, the Commission shall consult with a representative*
29 *of an Indian tribe.*



1 3. A state agency shall make a reasonable effort to
2 collaborate with Indian tribes in the development and
3 implementation of policies, agreements and programs of the state
4 agency that directly affect Indian tribes.

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

8 (a) Assist the head of the state agency with ensuring the
9 implementation of the policy developed pursuant to subsection 1;

10 (b) Serve as a contact person who shall maintain ongoing
11 communication between the state agency and affected Indian
12 tribes; and

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

15 ➔ Nothing in this subsection precludes a tribal liaison from
16 providing or facilitating additional training.

17 5. If a representative of an Indian tribe, on tribal business,
18 contacts a state agency to resolve an issue with a policy, agreement
19 or program of the state agency that affects that Indian tribe, the
20 tribal liaison of the state agency shall notify the head of the state
21 agency of the issue. The head of the state agency, or his or her
22 designee, and the tribal liaison must follow the policy developed
23 pursuant to subsection 1 to attempt to resolve the issue in
24 collaboration with the Indian tribe. If the state agency and the
25 Indian tribe are unable to resolve the issue, the head of the state
26 agency shall notify the Governor of the issue. After such
27 notification, the Governor shall initiate contact with the Indian
28 tribe to resolve the issue in collaboration with the state agency and
29 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.

