

SENATE BILL NO. 365—SENATORS TOWNSEND, RHOADS, MATHEWS,
WASHINGTON, SCHNEIDER, AMODEI, MCGINNESS AND PORTER

MARCH 16, 2001

JOINT SPONSORS: ASSEMBLYMEN MARVEL, LESLIE, OCEGUERA, ANGLE,
FREEMAN, HUMKE, ANDERSON, DE BRAGA, GUSTAVSON,
HETTRICK, PRICE AND WILLIAMS

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to Indian affairs. (BDR 18-719)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 25, 26)
(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 Indians; creating the department of Indian affairs and providing its duties; revising the membership of the Nevada Indian commission; authorizing the assessment of certain fees; providing that a person employed as a police officer by an Indian tribe has the powers of a peace officer; providing for the disposition of human remains that are Native American; creating the advisory committee on Indian education; making appropriations; and providing other matters properly relating thereto.

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

- 1 **Section 1.** The legislature hereby finds and declares:
2 1. Section 8 of article 1 of the Constitution of the United States, which
3 gives Congress the power to “regulate Commerce with foreign Nations,
4 and among the several States, and with the Indian Tribes,” recognizes the
5 status of Indian tribes as a unique kind of sovereign within the federal
6 system.
7 2. The United States regards Indian tribes as domestic dependent
8 nations under its protection that retain all inherent attributes of national
9 sovereignty that have not been divested by the United States.



1 3. The Supreme Court of the United States has determined that among
2 those retained inherent attributes of tribal sovereignty are the rights of self-
3 determination and self-government.

4 4. The Congress of the United States has committed the Federal
5 Government to "the protection of the sovereignty of each tribal
6 government," 25 U.S.C. § 3601, and has enacted numerous laws that
7 promote tribal self-government and self-determination, including the
8 Indian Civil Rights Act, 25 U.S.C. § 1302, the Indian Reorganization Act
9 of 1934, 25 U.S.C. §§ 461 et seq., the Indian Self-Determination and
10 Education Assistance Act, 25 U.S.C. §§ 450 et seq., the Indian Tribal
11 Justice Act, 25 U.S.C. §§ 3601 et seq., and the Tribally Controlled Schools
12 Act of 1988, 25 U.S.C. §§ 2501 et seq.

13 5. Since 1970, presidents of the United States have consistently
14 espoused principles of self-determination and self-government for Indian
15 tribes, including President Nixon who proposed federal programs to "create
16 the conditions for a new era in which the Indian future is determined by
17 Indian acts and Indian decisions," President Carter who declared that "self-
18 determination principles [would] continue to guide Indian policy,"
19 President Reagan who pledged to "pursue the policy of self-government"
20 for Indian tribes and reaffirmed "the government-to-government basis" for
21 dealing with Indian tribes, President George Bush who stated that the
22 "government-to-government" relationship between the Indian tribes and
23 the United States was the "cornerstone" of the administration's policy of
24 "fostering tribal self-government and self-determination," and President
25 Clinton who declared it a matter of fundamental principle that "the United
26 States recognizes the right of Indian tribes to self-government and supports
27 tribal sovereignty and self-determination."

28 6. The legislature is committed to strengthening and assisting Indian
29 tribal governments in their development and promoting Indian self-
30 government.

31 7. The legislature recognizes and respects tribal customs and traditions
32 and believes that it is important that the government of this state work to
33 avoid actions unnecessarily corrosive of tribal cultures.

34 8. The legislature reaffirms its recognition of the status of federally
35 recognized Indian tribes as a unique kind of sovereign within the federal
36 system.

37 **Sec. 2.** Chapter 233A of NRS is hereby amended by adding thereto
38 the provisions set forth as sections 3 and 4 of this act.

39 **Sec. 3. 1. *The department of Indian affairs is hereby created.***

40 **2. *The head of the department is the commission.***

41 **3. *The chief administrative officer of the department is the executive***
42 ***director.***

43 **Sec. 4. 1. *A state agency that engages in activities or develops***
44 ***policies that affect Indian tribal rights or trust resources shall do so in a***
45 ***knowledgeable, sensitive manner that is respectful of tribal sovereignty.***

46 **2. *A state agency that administers any law which affects Indian tribal***
47 ***rights shall continuously evaluate and improve the implementation of***
48 ***that law.***



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1 **Sec. 5.** NRS 233A.010 is hereby amended to read as follows:
2 233A.010 As used in this chapter:
3 1. "Chairman" means the chairman of the Nevada Indian commission.
4 2. "Commission" means the Nevada Indian commission.
5 3. "Commissioner" means a commissioner of the Nevada Indian
6 commission.
7 4. *"Department" means the department of Indian affairs.*
8 5. *"Executive director" means the executive director of the*
9 *department.*
10 **Sec. 6.** NRS 233A.020 is hereby amended to read as follows:
11 233A.020 The Nevada Indian commission, consisting of ~~{five}~~ *seven*
12 members appointed by the governor, is hereby created.
13 **Sec. 7.** NRS 233A.030 is hereby amended to read as follows:
14 233A.030 The governor shall appoint ~~+~~
15 ~~1. Three members who are Indians.~~
16 ~~2. Two members who are representatives of the general public.~~ *to the*
17 *commission:*
18 1. *One member who represents the Northern Paiute tribe.*
19 2. *One member who represents the Southern Paiute tribe.*
20 3. *One member who represents the Shoshone tribe.*
21 4. *One member who represents the Washoe tribe.*
22 5. *One member who represents Indians living in urban areas outside*
23 *of Indian country in a county whose population is 100,000 or more but*
24 *less than 400,000.*
25 6. *One member who represents Indians living in urban areas outside*
26 *of Indian country in a county whose population is 400,000 or more.*
27 7. *One member who represents the Inter-Tribal Council of Nevada,*
28 *Inc.*
29 **Sec. 8.** NRS 233A.040 is hereby amended to read as follows:
30 233A.040 The ~~{commission}~~ *department* may incur all necessary
31 expenses within the limits of legislative appropriations *and revenue*
32 *derived from fees pursuant to section 14 of this act* to ~~{effectuate its~~
33 ~~purposes}~~ *carry out its duties.*
34 **Sec. 9.** NRS 233A.050 is hereby amended to read as follows:
35 233A.050 The commissioners shall designate a chairman. The
36 commissioners may meet regularly at least four times each year and at such
37 places and times as are specified by a call of the chairman or majority of
38 the commission. The commission shall prescribe regulations for its own
39 management. ~~{Three}~~ *Four* members of the commission constitute a
40 quorum which may exercise all the authority conferred upon the
41 commission.
42 **Sec. 10.** NRS 233A.055 is hereby amended to read as follows:
43 233A.055 1. The governor, upon recommendation of the
44 commission, shall appoint an executive director of the ~~{commission}~~
45 *department* who has had successful experience in the administration and
46 promotion of a program comparable to that provided by this chapter.
47 2. The executive director ~~{of the commission}~~ is in the unclassified
48 service of the state.



1 3. Except as otherwise provided in NRS 284.143, the executive
2 director ~~{of the commission}~~ shall devote his entire time to the duties of his
3 office and shall not ~~{follow}~~ *engage in* any other gainful employment or
4 occupation.

5 **Sec. 11.** NRS 233A.065 is hereby amended to read as follows:

6 233A.065 The executive director ~~{of the commission shall:~~

7 ~~1. Be} :~~

8 *1. Is* jointly responsible to the governor and the commission.

9 2. ~~{Direct}~~ *Shall direct* and supervise all the technical and
10 administrative activities of the ~~{commission.~~

11 ~~3. Attend} department.~~

12 *3. Shall attend* all commission meetings and act as secretary, keeping
13 minutes of the proceedings.

14 4. ~~{Report}~~ *Shall report* to the governor and the commission all
15 matters concerning the administration of ~~{his office.}~~ *the department.* He
16 shall request the advice of the commission regarding matters of policy, but
17 he is responsible, unless otherwise provided by law, for the conduct of the
18 administrative functions of the ~~{commission office.~~

19 ~~5. Compile,} department.~~

20 *5. Shall compile* for commission approval and submission to the
21 governor, a biennial report regarding the work of the ~~{commission}~~
22 *department* and such other matters as he may consider desirable.

23 6. ~~{Serve}~~ *Shall serve* as contracting officer to receive ~~{funds}~~ *money*
24 from the Federal Government or other sources for such studies as the
25 ~~{commission}~~ *department* deems necessary.

26 7. ~~{Attend}~~ *Shall attend* all meetings of any special study committee
27 appointed by the governor pursuant to this chapter and act as secretary,
28 keeping minutes of the proceedings.

29 8. ~~{Perform}~~ *Shall perform* any lawful act which he considers
30 necessary or desirable to carry out the purposes and provisions of this
31 chapter.

32 **Sec. 12.** NRS 233A.070 is hereby amended to read as follows:

33 233A.070 The executive director ~~{of the commission}~~ may appoint
34 such professional, technical, clerical and operational staff as the execution
35 of his duties and the operation of the ~~{commission}~~ *department* may
36 require.

37 **Sec. 13.** NRS 233A.090 is hereby amended to read as follows:

38 233A.090 *1.* The ~~{purpose of the commission shall be to study}~~
39 *department shall:*

40 *(a) Coordinate all contact between any other department, agency or*
41 *political subdivision of this state and an Indian tribe or tribal*
42 *organization.*

43 *(b) Provide assistance to natural persons, Indian tribes, tribal*
44 *organizations, and this state or any department, agency, or political*
45 *subdivision thereof, on any matter that involves the health, safety,*
46 *education or well-being of Indians residing in this state.*

47 *(c) Serve as the primary clearinghouse for information concerning*
48 *Indian affairs.*



1 *(d) Advise the governor, legislature, and any department, agency or*
2 *political subdivision of this state on Indian affairs.*

3 *(e) Study* matters affecting the social and economic welfare and well-
4 being of American Indians residing in ~~{Nevada,}~~ *this state*, including, but
5 not limited to, matters and problems relating to Indian affairs and to federal
6 and state control, responsibility, policy and operations affecting such
7 Indians. ~~{The commission shall recommend}~~

8 *(f) Recommend* necessary or appropriate action, policy and legislation
9 or revision of legislation and administrative agency regulations pertaining
10 to such Indians. ~~{The commission shall make}~~

11 *(g) Make* and report from time to time its findings and
12 recommendations to the legislature, to the governor and to the public , and
13 shall so report at least biennially.

14 *2. Except as otherwise provided by federal law, the department shall:*

15 *(a) Obtain, pursuant to section 26 of this act, from each museum*
16 *which is operated by or which is under the direct control of this state or a*
17 *political subdivision of this state, any other agency of this state, including*
18 *an instrumentality of the University and Community College System of*
19 *Nevada, and each political subdivision of this state, possession or control*
20 *of human remains that are Native American which:*

21 *(1) Lack a cultural affiliation with any federally recognized tribe;*
22 *and*

23 *(2) Have been in the possession or control of the museum, agency*
24 *or political subdivision for 1 year or more;*

25 *(b) Provide for the disposition of such remains through:*

26 *(1) Repatriation to the tribe that requests repatriation and*
27 *demonstrates the most significant geographical affiliation with the place*
28 *from which the remains were removed; or*

29 *(2) Other appropriate means that lead to the reburial of those*
30 *remains as near as practicable to the place from which they were*
31 *removed; and*

32 *(c) Adopt, after consultation with the office of historic preservation of*
33 *the department of museums, library and arts, regulations to carry out the*
34 *provisions of this section.*

35 **Sec. 14.** NRS 233A.100 is hereby amended to read as follows:

36 233A.100 The ~~{commission}~~ *department* may:

37 1. Appoint advisory committees whenever necessary or appropriate to
38 assist and advise the ~~{commission}~~ *department* in the performance of its
39 duties and responsibilities under this chapter.

40 2. Negotiate and contract with such other agencies, public or private,
41 as it deems necessary or appropriate for such services, facilities, studies
42 and reports to the ~~{commission}~~ *department* as will best enable it to carry
43 out ~~{the purposes for which it is created.}~~ *its duties.*

44 3. Cooperate with and secure the cooperation of state, county, city and
45 other agencies, including Indian tribes, bands, colonies and groups and
46 intertribal organizations in connection with its study or investigation of any
47 matter within the scope of this chapter , *sections 21 to 26, inclusive, of this*
48 *act* or NRS 383.150 to 383.190, inclusive.



1 *4. Assess fees on any other department, agency or political*
2 *subdivision of this state in an amount sufficient to reimburse the*
3 *department of Indian affairs for any expenses incurred in coordinating*
4 *contact between the other department, agency or political subdivision of*
5 *this state and an Indian tribe or tribal organization.*

6 **Sec. 15.** NRS 233A.104 is hereby amended to read as follows:

7 233A.104 1. There is hereby created in the ~~commission~~ *department*
8 the advisory committee concerning the children's health insurance
9 program. The advisory committee consists of:

10 (a) One member who is the chairman of a tribal council or chief of a
11 Nevada Indian tribe and is appointed by the governing body of a unit of the
12 Indian Health Service that is designated to serve the health care needs of
13 Indians in the eastern portion of this state. The appointed member may
14 designate a representative to serve in his absence.

15 (b) One member who is the chairman of a tribal council or chief of a
16 Nevada Indian tribe and is appointed by the governing body of a unit of the
17 Indian Health Service that is designated to serve the health care needs of
18 Indians in the western portion of this state. The appointed member may
19 designate a representative to serve in his absence.

20 (c) One member who is appointed by the Inter-Tribal Council of
21 Nevada, Inc.

22 (d) One member who is appointed by the governing board of an
23 organization that is partially funded by the Indian Health Service and
24 which specifically serves the health care needs of Indians in each county
25 whose population is ~~more than 100,000,~~ *100,000 or more* but less than
26 400,000.

27 (e) One member who is appointed by the governing board of an
28 organization that is partially funded by the Indian Health Service and
29 which specifically serves the health care needs of Indians in each county
30 whose population is 400,000 or more.

31 2. Each member serves a term of 2 years. A member may be
32 reappointed for additional terms of 2 years in the same manner as the
33 original appointment.

34 3. A vacancy occurring in the membership of the advisory committee
35 must be filled in the same manner as the original appointment.

36 4. The advisory committee shall meet at least twice annually.

37 5. At its first meeting and annually thereafter, the advisory committee
38 shall elect a chairman from among its members.

39 **Sec. 16.** NRS 233A.107 is hereby amended to read as follows:

40 233A.107 1. The advisory committee shall:

41 (a) Provide written reports, analysis and advice to the ~~commission~~
42 *department* on matters related to the children's health insurance program,
43 including, without limitation, matters related to the enrollment of Indian
44 children in the program, outreach efforts to raise awareness about the
45 program among Indians and other matters concerning the program which
46 affect Indians; and

47 (b) Make written recommendations concerning those matters to the
48 commission.

49 2. The ~~commission~~ *department* shall:



1 (a) Consider the advice and recommendations of the advisory
2 committee and make any appropriate written recommendations to the
3 director of the department of human resources as a result of this review;
4 and

5 (b) Provide the necessary staff to assist the advisory committee in
6 performing its duties, including, without limitation, staff to assist in
7 preparing written reports and analysis pursuant to subsection 1.

8 **Sec. 17.** NRS 169.125 is hereby amended to read as follows:

9 169.125 "Peace officer" includes any person upon whom some or all
10 of the powers of a peace officer are conferred pursuant to NRS 289.150 to
11 289.360, inclusive ~~H~~, and *section 19 of this act*.

12 **Sec. 18.** NRS 200.033 is hereby amended to read as follows:

13 200.033 The only circumstances by which murder of the first degree
14 may be aggravated are:

15 1. The murder was committed by a person under sentence of
16 imprisonment.

17 2. The murder was committed by a person who, at any time before a
18 penalty hearing is conducted for the murder pursuant to NRS 175.552, is or
19 has been convicted of:

20 (a) Another murder and the provisions of subsection 12 do not
21 otherwise apply to that other murder; or

22 (b) A felony involving the use or threat of violence to the person of
23 another and the provisions of subsection 4 do not otherwise apply to that
24 felony.

25 For the purposes of this subsection, a person shall be deemed to have been
26 convicted at the time the jury verdict of guilt is rendered or upon
27 pronouncement of guilt by a judge or judges sitting without a jury.

28 3. The murder was committed by a person who knowingly created a
29 great risk of death to more than one person by means of a weapon, device
30 or course of action which would normally be hazardous to the lives of
31 more than one person.

32 4. The murder was committed while the person was engaged, alone or
33 with others, in the commission of or an attempt to commit or flight after
34 committing or attempting to commit, any robbery, arson in the first degree,
35 burglary, invasion of the home or kidnapping in the first degree, and the
36 person charged:

37 (a) Killed or attempted to kill the person murdered; or

38 (b) Knew or had reason to know that life would be taken or lethal force
39 used.

40 5. The murder was committed to avoid or prevent a lawful arrest or to
41 effect an escape from custody.

42 6. The murder was committed by a person, for himself or another, to
43 receive money or any other thing of monetary value.

44 7. The murder was committed upon a peace officer or fireman who
45 was killed while engaged in the performance of his official duty or because
46 of an act performed in his official capacity, and the defendant knew or
47 reasonably should have known that the victim was a peace officer or
48 fireman. For the purposes of this subsection, "peace officer" means:



- 1 (a) An employee of the department of prisons who does not exercise
2 general control over offenders imprisoned within the institutions and
3 facilities of the department but whose normal duties require him to come
4 into contact with those offenders, when carrying out the duties prescribed
5 by the director of the department.
- 6 (b) Any person upon whom some or all of the powers of a peace officer
7 are conferred pursuant to NRS 289.150 to 289.360, inclusive, *and section*
8 *19 of this act*, when carrying out those powers.
- 9 8. The murder involved torture or the mutilation of the victim.
- 10 9. The murder was committed upon one or more persons at random
11 and without apparent motive.
- 12 10. The murder was committed upon a person less than 14 years of
13 age.
- 14 11. The murder was committed upon a person because of the actual or
15 perceived race, color, religion, national origin, physical or mental disability
16 or sexual orientation of that person.
- 17 12. The defendant has, in the immediate proceeding, been convicted of
18 more than one offense of murder in the first or second degree. For the
19 purposes of this subsection, a person shall be deemed to have been
20 convicted of a murder at the time the jury verdict of guilt is rendered or
21 upon pronouncement of guilt by a judge or judges sitting without a jury.
- 22 13. The person, alone or with others, subjected or attempted to subject
23 the victim of the murder to nonconsensual sexual penetration immediately
24 before, during or immediately after the commission of the murder. For the
25 purposes of this subsection:
- 26 (a) “Nonconsensual” means against the victim’s will or under
27 conditions in which the person knows or reasonably should know that the
28 victim is mentally or physically incapable of resisting, consenting or
29 understanding the nature of his conduct, including, but not limited to,
30 conditions in which the person knows or reasonably should know that the
31 victim is dead.
- 32 (b) “Sexual penetration” means cunnilingus, fellatio or any intrusion,
33 however slight, of any part of the victim’s body or any object manipulated
34 or inserted by a person, alone or with others, into the genital or anal
35 openings of the body of the victim, whether or not the victim is alive. The
36 term includes, but is not limited to, anal intercourse and sexual intercourse
37 in what would be its ordinary meaning.
- 38 14. The murder was committed on the property of a public or private
39 school, at an activity sponsored by a public or private school or on a school
40 bus while the bus was engaged in its official duties by a person who
41 intended to create a great risk of death or substantial bodily harm to more
42 than one person by means of a weapon, device or course of action that
43 would normally be hazardous to the lives of more than one person. For the
44 purposes of this subsection, “school bus” has the meaning ascribed to it in
45 NRS 483.160.
- 46 **Sec. 19.** Chapter 289 of NRS is hereby amended by adding thereto a
47 new section to read as follows:
- 48 *A person employed as a police officer by an Indian tribe has the*
49 *powers of a peace officer.*



1 **Sec. 20.** Chapter 383 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 21 to 26, inclusive, of this act.

3 **Sec. 21.** *As used in sections 21 to 26, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 22,*
5 *23 and 24 of this act have the meanings ascribed to them in those*
6 *sections.*

7 **Sec. 22.** *“Cultural affiliation” has the meaning ascribed to it in 25*
8 *U.S.C. § 3001.*

9 **Sec. 23.** *“Indian tribe” has the meaning ascribed to it in 25 U.S.C. §*
10 *3001.*

11 **Sec. 24.** *“Native American” has the meaning ascribed to it in 25*
12 *U.S.C. § 3001.*

13 **Sec. 25.** *Each museum which is operated by or which is under the*
14 *direct control of this state or a political subdivision of this state, any*
15 *other agency of this state, including an instrumentality of the University*
16 *and Community College System of Nevada, and each political*
17 *subdivision of this state which:*

18 1. *Has possession or control of human remains that are Native*
19 *American shall maintain an inventory of the remains.*

20 2. *Discovers human remains that may be Native American, or which*
21 *is involved in a transaction involving such remains, including, without*
22 *limitation, any donation, purchase or sale of such remains, shall notify*
23 *the department of Indian affairs not later than 15 days after the*
24 *discovery or transaction.*

25 **Sec. 26.** *Except as otherwise provided by federal law, each museum*
26 *which is operated by or which is under the direct control of this state or a*
27 *political subdivision of this state, any other agency of this state, including*
28 *an instrumentality of the University and Community College System of*
29 *Nevada, and each political subdivision of this state, that has possession*
30 *or control of human remains that are Native American but which lack a*
31 *cultural affiliation with an Indian tribe shall, if requested by the*
32 *department of Indian affairs, transfer possession or control of the*
33 *remains to the department for final disposition of the remains.*

34 **Sec. 27.** NRS 383.170 is hereby amended to read as follows:

35 383.170 1. A person who disturbs the cairn or grave of a native
36 Indian through inadvertence while engaged in a lawful activity such as
37 construction, mining, logging or farming or any other person who
38 discovers the cairn or grave of a native Indian that has not been previously
39 reported to the office shall immediately report the discovery and the
40 location of the Indian burial site to the office. The office shall immediately
41 consult with the ~~Nevada Indian commission~~ *department of Indian affairs*
42 and notify the appropriate Indian tribe. The Indian tribe may, with the
43 permission of the landowner, inspect the site and recommend an
44 appropriate means for the treatment and disposition of the site and all
45 artifacts and human remains associated with the site.

46 2. If the Indian burial site is located on private land and:

47 (a) The Indian tribe fails to make a recommendation within 48 hours
48 after it receives notification pursuant to subsection 1; or



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1 (b) The landowner rejects the recommendation and mediation
2 conducted pursuant to NRS 383.160 fails to provide measures acceptable
3 to the landowner,
4 the landowner shall, at his own expense, reinter with appropriate dignity all
5 artifacts and human remains associated with the site in a location not
6 subject to further disturbance.

7 3. If the Indian burial site is located on public land and action is
8 necessary to protect the burial site from immediate destruction, the office
9 may cause a professional archeologist to excavate the site and remove all
10 artifacts and human remains associated with the site for subsequent
11 reinterment, following scientific study, under the supervision of the Indian
12 tribe.

13 4. Any other excavation of an Indian burial site may be conducted
14 only:

15 (a) By a professional archeologist;
16 (b) After written notification to the administrator; and
17 (c) With the prior written consent of the appropriate Indian tribe. Failure
18 of a tribe to respond to a request for permission within 60 days after its
19 mailing by certified mail, return receipt requested, shall be deemed consent
20 to the excavation.

21 All artifacts and human remains removed during such an excavation must,
22 following scientific study, be reinterred under the supervision of the Indian
23 tribe, except that the Indian tribe may, by explicit written consent,
24 authorize the public display of a particular artifact. The archeologist, Indian
25 tribe and landowner shall negotiate an agreement to determine who will
26 pay the expenses related to the interment.

27 **Sec. 28.** Chapter 385 of NRS is hereby amended by adding thereto the
28 provisions set forth as sections 29 to 32, inclusive, of this act.

29 **Sec. 29.** *As used in sections 29 to 32, inclusive, of this act,*
30 *“committee” means the advisory committee on Indian education created*
31 *pursuant to section 30 of this act.*

32 **Sec. 30. 1.** *There is hereby created the advisory committee on*
33 *Indian education. The committee consists of 27 members appointed by*
34 *the Nevada Indian commission.*

35 *2. Each member serves a term of 2 years. A member may be*
36 *appointed for additional terms in the same manner as the original*
37 *appointment.*

38 *3. The members of the committee shall meet at least quarterly and at*
39 *the times and places specified by a call of the chairman. The executive*
40 *director of the department of Indian affairs, or a person he designates,*
41 *shall act as the nonvoting recording secretary of the committee. Fourteen*
42 *members of the committee constitute a quorum, and a quorum may*
43 *exercise all the power and authority conferred on the committee.*

44 *4. At its first meeting and annually thereafter, the committee shall*
45 *elect a chairman from among its members.*

46 **Sec. 31. 1.** *Each member of the committee serves without*
47 *compensation.*

48 *2. Each member of the committee who is an employee of the State of*
49 *Nevada or a local government must be relieved from his duties without*



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1 *loss of his regular compensation so that he may prepare for and attend*
2 *meetings of the committee and perform any work necessary to carry out*
3 *the duties of the committee in the most timely manner practicable. A state*
4 *agency or local governmental entity shall not require an employee who is*
5 *a member of the committee to make up the time that he is absent from*
6 *work or to take annual vacation or compensatory time for the time that*
7 *he is absent from work to carry out his duties as a member of the*
8 *committee.*

9 3. *While engaged in the business of the committee, each member of*
10 *the committee is entitled to receive the per diem allowance and travel*
11 *expenses provided for state officers and employees generally, except that*
12 *a member of the committee who is an employee of the State of Nevada or*
13 *a local government is not entitled to receive the per diem allowance.*

14 **Sec. 32.** 1. *The committee shall:*

15 (a) *Facilitate communication and cooperation between the*
16 *department of education, the department of Indian affairs, Indian tribes*
17 *and other interested persons;*

18 (b) *Make recommendations to the department of education and the*
19 *department of Indian affairs; and*

20 (c) *If requested by the department of education or the department of*
21 *Indian affairs, review and evaluate curricular and other*
22 *proposals,*
23 *concerning educational matters of interest to Indians.*

24 2. *The department of education shall provide the necessary staff to*
25 *enable the committee to carry out its duties pursuant to this section.*

26 **Sec. 33.** 1. There is hereby appropriated from the state general fund
27 to the department of Indian affairs the sum of \$117,838.29 to be used by
28 the department to employ a deputy director, establish an office of the
29 department of Indian affairs in Las Vegas and operate that office.

30 2. Any remaining balance of the appropriation made by subsection 1
31 must not be committed for expenditure after June 30, 2003, and reverts to
32 the state general fund as soon as all payments of money committed have
33 been made.

34 **Sec. 34.** 1. There is hereby appropriated from the state general fund
35 to the department of education the sum of \$30,000 for payment of per diem
36 allowances and travel expenses of the advisory committee on Indian
37 education created pursuant to section 30 of this act.

38 2. Any remaining balance of the appropriation made by subsection 1
39 must not be committed for expenditure after June 30, 2003, and reverts to
40 the state general fund as soon as all payments of money committed have
41 been made.

42 **Sec. 35.** 1. There is hereby appropriated from the state general fund
43 to the department of human resources:

44 For the fiscal year 2001-2002 \$70,000
45 For the fiscal year 2002-2003 \$70,000

46 The money appropriated pursuant to this subsection must be used by the
47 department to employ one person in the office of the director to serve as
48 liaison for Indian tribal welfare to ensure that Indians receive the social
49 services to which they are entitled.



1 2. Any balance of the sums appropriated by subsection 1 remaining at
2 the end of the respective fiscal years must not be committed for
3 expenditure after June 30 of the respective fiscal years and reverts to the
4 state general fund as soon as all payments of money committed have been
5 made.

6 **Sec. 36.** Any human remains that are Native American in the
7 possession or control of a museum which is operated by or which is under
8 the direct control of this state or a political subdivision of this state, any
9 other agency of this state, including an instrumentality of the University
10 and Community College System of Nevada, or any political subdivision of
11 this state, that came into its possession or control before July 1, 2001, shall
12 be deemed to have come into its possession or control on July 1, 2001.

13 **Sec. 37.** The appointments of all current members of the Nevada
14 Indian commission and the executive director of the Nevada Indian
15 commission expire on July 1, 2001.

16 **Sec. 38.** The provisions of subsection 1 of NRS 354.599 do not apply
17 to any additional expenses of a local government that are related to the
18 provisions of this act.

19 **Sec. 39.** This act becomes effective on July 1, 2001.

