

Amendment No. 364

Assembly Amendment to Assembly Bill No. 264	(BDR 18-671)
Proposed by: Assembly Committee on Government Affairs	
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.

AMM/AAK



Date: 4/20/2019

A.B. No. 264—Makes various changes relating to relations between state agencies and Indian nations or tribes. (BDR 18-671)



ASSEMBLY BILL NO. 264—ASSEMBLYMEN PETERS, FLORES; ASSEFA, BILBRAY-AXELROD, CARRILLO, DURAN, FUMO ~~[AND]~~, 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 ~~[a state agency]~~ the Nevada Indian Commission to implement a policy that promotes collaboration between ~~[the]~~ a state agency and Indian ~~[nations or]~~ tribes; requiring the Governor to meet with the leaders of Indian ~~[nations or]~~ tribes; requiring certain employees of state agencies to receive certain training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

New Mexico enacted the State-Tribal Collaboration Act in 2009. The Act promotes increased cooperation and collaboration between the state of New Mexico and the Indian nations or tribes of that state. (N.M. Stat. Ann. § 11-18-1) This bill models the provisions of the State-Tribal Collaboration Act of New Mexico. **Section 6** of this bill requires ~~[each state agency in Nevada]~~ the Nevada Indian Commission to implement a policy that promotes collaboration and positive government-to-government relations between ~~[the]~~ state ~~[agency]~~ agencies and Indian ~~[nations or]~~ tribes. In developing such a policy, **section 6** requires ~~[a state agency]~~ the Commission to consult with a representative of an Indian ~~[nation or]~~ tribe. **Section 6** also requires each state agency to collaborate with Indian ~~[nations or]~~ tribes in the development and implementation of policies, agreements and programs that affect ~~[American Indians or Alaska Natives.]~~ Indian tribes. **Section 6** further requires ~~[each]~~ certain state ~~[agency]~~ agencies to designate a tribal liaison. **Section 6 also requires the head of a state agency and the tribal liaison to collaborate with an Indian tribe to resolve an issue the Indian tribe has identified with a policy, agreement or program of the state agency in accordance with the policy implemented by the Commission. If the state agency and the Indian tribe are unable to resolve the issue, the head of the state agency must notify the Governor who must then attempt to resolve the issue.** Finally, **section 6** requires the ~~[Nevada Indian]~~ Commission to post on its Internet website a list of the names and contact information for the leaders of the Indian ~~[nations or]~~ tribes and the tribal liaison of each state agency. **Section 7** of this bill requires the Governor to meet with the Indian ~~[nations or]~~ tribes

at least once a year. **Section 7** also requires certain employees of state agencies to complete certain training. **Section 7** requires each state agency to submit a report to the Nevada Indian Commission, which then must compile the reports and submit them to the Governor and the Director of the Legislative Counsel Bureau. **Section 7 also requires the Commission to submit a report to the Governor and the Director of the Legislative Counsel Bureau on its activities and recommendations.** **Section 8** of 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:

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

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~3, 4~~ 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~“American Indian or Alaska Native” means any natural person who is a member of any federally recognized Indian nation or tribe.~~ (Deleted by amendment.)

Sec. 4. ~~“Indian nation or tribe” means any a federally recognized American Indian nation or tribe located wholly or partially in this State, pursuant to 25 C.F.R. §§ 83.1 to 83.12, inclusive.~~

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

Sec. 6. 1. ~~Each state agency~~ The Commission shall develop and implement a policy that:

(a) Promotes effective communication and collaboration between ~~the~~ a state agency and Indian ~~nations or~~ tribes;

(b) Promotes positive government-to-government relations between this State and Indian ~~nations or~~ tribes;

(c) Promotes cultural competency in providing effective services to ~~American Indians or Alaska Natives,~~ Indian tribes; and

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

2. In the process of developing the policy pursuant to subsection 1, ~~a state agency~~ the Commission shall consult with a representative ~~designated by~~ of an Indian ~~nation or~~ tribe.

3. A state agency shall make a reasonable effort to collaborate with Indian ~~nations or~~ tribes in the development and implementation of policies, agreements and programs of the state agency that directly affect ~~American Indians or Alaska Natives,~~ Indian tribes.

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

(a) Assist the head of the state agency with ~~developing and~~ ensuring the implementation of the policy ~~adopted~~ developed pursuant to subsection 1;

(b) Serve as a contact person who shall maintain ongoing communication between the state agency and affected Indian ~~nations or~~ tribes; and

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

1 ↪ Nothing in this subsection precludes a tribal liaison from providing or
2 facilitating additional training.

3 5. If a representative of an Indian tribe, on tribal business, contacts a state
4 agency to resolve an issue with a policy, agreement or program of the state
5 agency that affects that Indian tribe, the tribal liaison of the state agency shall
6 notify the head of the state agency of the issue. The head of the state agency, or
7 his or her designee, and the tribal liaison must follow the policy developed
8 pursuant to subsection 1 to attempt to resolve the issue in collaboration with the
9 Indian tribe. If the state agency and the Indian tribe are unable to resolve the
10 issue, the head of the state agency shall notify the Governor of the issue. After
11 such notification, the Governor shall initiate contact with the Indian tribe to
12 resolve the issue in collaboration with the state agency and the Indian tribe.

13 6. The Commission shall publish on its Internet website an accurate list of
14 the names and contact information for the leaders of the Indian ~~nations or~~
15 tribes and for the tribal liaison of each state agency ~~that communicates with~~
16 Indian tribes on a regular basis.

17 Sec. 7. 1. At least once each year, the Governor shall meet with the
18 leaders of Indian ~~nations or~~ tribes in a state-tribal summit to address matters of
19 mutual concern.

20 2. All heads of a state agency and state agency managers and employees
21 who have ongoing communication with Indian ~~nations or~~ tribes shall complete
22 a training provided by the Division of Human Resource Management of the
23 Department of Administration, in consultation with the Commission. Such
24 training must be designed to support:

25 (a) The promotion of effective communication and collaboration between
26 state agencies and Indian ~~nations or~~ tribes;

27 (b) The development of positive government-to-government relations between
28 this State and Indian ~~nations or~~ tribes; and

29 (c) Cultural competency in providing effective services to ~~American Indians~~
30 ~~or Alaska Natives.~~ Indian tribes.

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

35 (a) ~~The policy implemented by the state agency pursuant to section 6 of this~~
36 ~~act;~~

37 ~~(b)~~ (b) The name and contact information of each person in the state agency
38 who is responsible for developing and implementing programs of the state agency
39 that directly affect ~~American Indians or Alaska Natives.~~ Indian tribes;

40 ~~(c)~~ (b) Any actions taken or planned by the state agency to carry out the
41 policy implemented pursuant to section 6 of this act;

42 ~~(d)~~ (c) A certification by the Division of Human Resource Management of
43 the Department of Administration of the number of managers and employees of
44 the state agency who have completed the training required pursuant to subsection
45 2;

46 ~~(e)~~ (d) A description of current and planned programs and services
47 provided to or directly affecting ~~American Indians or Alaska Natives.~~ Indian
48 tribes and the amount of funding for each program; and

49 ~~(f)~~ (e) A description of the method the state agency established for notifying
50 employees of the state agency of the provisions of sections 2 to 8, inclusive, of this
51 act.

52 4. The Commission shall ~~compile the reports submitted pursuant to~~
53 ~~subsection 3 and~~ periodically submit ~~such reports~~ to the Governor and to the

1 *Director of the Legislative Counsel Bureau for transmittal to the Legislative*
2 *Commission ~~for~~:*

3 *(a) A compilation of the reports submitted pursuant to subsection 3; and*
4 *(b) A report on the activities and any findings and recommendations of the*
5 *Commission.*

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

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

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

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