

Amendment No. 978

Assembly Amendment to Assembly Bill No. 264 First Reprint	(BDR 18-671)
<b>Proposed by:</b> Assembly Committee on Ways and Means	
<b>Amends:</b> Summary: No Title: No 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: 5/26/2019

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, 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:

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 the Nevada Indian Commission to implement a policy that promotes collaboration and positive government-to-government relations between state agencies and Indian tribes. In developing such a policy, **section 6** requires the Commission to consult with ~~a representative~~ **representatives of ~~an~~ Indian ~~tribe~~ tribes and state agencies.** **Section 6** also requires each state agency to collaborate with Indian tribes in the development and implementation of policies, agreements and programs that affect Indian tribes. **Section 6** further requires certain state 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 Commission to post on its Internet website a list of the names and contact information for the leaders of the Indian tribes and the tribal liaison of each state agency. **Section 7** of this bill requires the Governor to meet with the Indian 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 periodically 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 ~~4 and~~ 3.5 to 5, inclusive, of this act have the meanings ascribed to them in those sections.*

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

**Sec. 3.5.** *"Agreement" means a written agreement or a written contract of a state agency.*

**Sec. 4.** *"Indian tribe" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.12, inclusive.*

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

**Sec. 4.7.** *"Program" means an official program of a state agency.*

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

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

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

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

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

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

**2.** *In the process of developing the policy pursuant to subsection 1, the Commission shall consult with ~~a representative~~ representatives of ~~an~~ Indian ~~tribe,~~ tribes and of state agencies.*

**3.** *A state agency shall make a reasonable effort to collaborate with Indian tribes in the development and implementation of policies, agreements and programs of the state agency that directly affect 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 ensuring the implementation of the policy developed pursuant to subsection 1;*

*(b) Serve as a contact person who shall maintain ongoing communication between the state agency and affected Indian 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.*

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

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

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

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

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

23       (a) The promotion of effective communication and collaboration between  
24 state agencies and Indian tribes;

25       (b) The development of positive government-to-government relations between  
26 this State and Indian tribes; and

27       (c) Cultural competency in providing effective services to Indian tribes.

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

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

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

37       (c) A certification by the Division of Human Resource Management of the  
38 Department of Administration of the number of managers and employees of the  
39 state agency who have completed the training required pursuant to subsection 2;

40       (d) A description of current and planned programs and services provided to  
41 or directly affecting Indian tribes and the amount of funding for each program;  
42 and

43       (e) A description of the method the state agency established for notifying  
44 employees of the state agency of the provisions of sections 2 to 8, inclusive, of this  
45 act.

46       4. The Commission shall periodically submit to the Governor and to the  
47 Director of the Legislative Counsel Bureau for transmittal to the Legislative  
48 Commission:

49       (a) A compilation of the reports submitted pursuant to subsection 3; and

50       (b) A report on the activities and any findings and recommendations of the  
51 Commission.

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

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

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

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