

Amendment No. 233

Assembly Amendment to Assembly Bill No. 392 (BDR 22-1059)

Proposed by: Assembly Committee on Government Affairs

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

ADM/ERS



Date: 4/10/2025

A.B. No. 392—Revises provisions relating to interlocal agreements and contracts with tribal governments. (BDR 22-1059)



ASSEMBLY BILL NO. 392—ASSEMBLYMEMBER CARTER

MARCH 11, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to interlocal agreements and contracts with tribal governments. (BDR 22-1059)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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; revising provisions relating to certain interlocal agreements and contracts between tribal governments and certain public agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Interlocal Cooperation Act authorizes a public agency of this State to enter into a joint or cooperative agreement with any other public agency of this State, another state, the Federal Government or an Indian tribe, group of tribes, organized segment of a tribe or any organization representing such tribal entities to exercise any power, privilege or authority capable of being exercised by such a public agency. (NRS 277.100, 277.110) Existing law also authorizes one or more such public agencies to contract with any one or more other public agencies to perform any governmental service, activity or undertaking which any of the public agencies are authorized to perform. (NRS 277.180) **Section 1** of this bill ~~requires~~ **provides** that, if a tribal government wishes to enter into a joint or cooperative agreement or contract with the governing body of a county or agency thereof for the performance of any service, activity or undertaking, the governing body of the county, on behalf of the county or agency thereof, ~~must~~ **may** engage in discussions in good faith with the tribal government. If the governing body enters into such an agreement or contract with a tribal government, **section 1** requires that the agreement be a conditional interlocal agreement which: (1) does not require the tribal government to waive sovereign immunity; and (2) authorizes the governing body of the county to terminate the agreement with 90 days' advance notice to the tribal government under certain circumstances.

Sections 2 and 3 of this bill add the provisions of **section 1** to the Interlocal Cooperation Act and purpose of the Act.

Section 4 of this bill applies the definitions in the Interlocal Cooperation Act relating to the Act to the provisions of **section 1**.

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

Section 1. Chapter 277 of NRS is hereby amended by adding thereto a new section to read as follows:

1 1. If a tribal government wishes to enter into an agreement for joint or
2 cooperative action or contract with the governing body of a county or agency
3 thereof, pursuant to the provisions of this section and NRS 277.080 to 277.180,
4 inclusive, within which tribal land of the tribal government is located, partially or
5 wholly, for the performance of any governmental service, activity or undertaking
6 which the tribal government, county or agency thereof is authorized by law to
7 perform, the governing body of the county ~~shall~~ may, on behalf of the county
8 or agency thereof, engage in discussions in good faith with the tribal government
9 for the performance of such services.

10 2. If the governing body of a county or agency thereof enters into an
11 agreement or contract pursuant to the provisions of this section and NRS 277.080
12 to 277.180, inclusive, such an agreement must be a conditional interlocal
13 agreement which:

14 (a) Must not require a tribal government to waive sovereign immunity; and

15 (b) Must authorize the governing body of the county or agency thereof to
16 terminate the agreement by providing the tribal government with 90 days'
17 advance written notice, upon the occurrence of any of the following conditions:

18 (1) The tribal government is more than 60 days delinquent on its
19 financial obligations under the agreement;

20 (2) The tribal government fails to respond for more than 90 days to a
21 written demand by the governing body of the county or agency thereof to perform
22 under the agreement;

23 (3) An authorized representative of the tribal government or tribal
24 council or tribal police of the tribal government prevents entry onto the tribal
25 land or otherwise prevents the county or agency thereof, or any employee or
26 agent of the county or agency, from otherwise performing under the agreement;
27 or

28 (4) The tribal government enters into any subsequent agreement
29 pursuant to this section and NRS 277.080 to 277.180, inclusive, which materially
30 conflicts with the existing agreement.

31 3. As used in this section ~~by "tribal"~~ :

32 (a) "Good faith" means honesty in fact and the observance of reasonable
33 standards of fair dealing.

34 (b) "Tribal government" means the governing body of an Indian tribe, group
35 of tribes, organized segment of a tribe or any organization representing two or
36 more such entities.

37 Sec. 2. NRS 277.080 is hereby amended to read as follows:

38 277.080 NRS 277.080 to 277.180, inclusive, **and section 1 of this act** may be
39 cited as the Interlocal Cooperation Act.

40 Sec. 3. NRS 277.090 is hereby amended to read as follows:

41 277.090 It is the purpose of NRS 277.080 to 277.180, inclusive, **and section 1**
42 **of this act** to permit local governments to make the most efficient use of their
43 powers by enabling them to cooperate with other local governments on a basis of
44 mutual advantage and thereby to provide services and facilities in a manner and
45 pursuant to forms of governmental organization which will best accord with
46 geographic, economic, population and other factors influencing the needs and
47 development of local communities.

48 Sec. 4. NRS 277.100 is hereby amended to read as follows:

49 277.100 As used in NRS 277.080 to 277.180, inclusive, **and section 1 of this**
50 **act**, unless the context otherwise requires:

51 1. "Public agency" means:

1 (a) Any political subdivision of this State, including without limitation
2 counties, incorporated cities and towns, including Carson City, unincorporated
3 towns, school districts and other districts.

4 (b) Any agency of this State or of the United States.

5 (c) Any political subdivision of another state.

6 (d) Any Indian tribe, group of tribes, organized segment of a tribe, or any
7 organization representing two or more such entities.

8 2. "State" includes any of the United States and the District of Columbia.

9 **Sec. 5.** This act becomes effective on July 1, 2025.