



AB 264: The Nevada Indian Commission's Role and Statutory Implementation Options

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The Nevada Indian Commission's Enabling Authority

The purpose of the Commission shall be to study matters affecting the social and economic welfare and well-being of American Indians residing in Nevada, including, but not limited to, matters and problems relating to Indian affairs and to federal and state control, responsibility, policy and operations affecting such Indians.

The Commission shall recommend necessary or appropriate action, policy and legislation or revision of legislation and administrative agency regulations pertaining to such Indians.

The Commission shall make and report from time to time its findings and recommendations to the Legislature, to the Governor and to the public and shall so report at least biennially.

(NRS 233A.090)



Assembly Bill 264

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.



Assembly Bill 264

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.



The Indian Commission's Four Main Responsibilities Under Assembly Bill 264

1. Develop the official public policy of the State of Nevada that establishes the method of collaboration between state agencies and Tribal Nations
2. Maintain and publish the names and contact information for the leaders of the Tribal Nations and state tribal liaisons
3. Submit to the Governor and Legislative Commission the State Agency Reports and the Activities, Findings, and Recommendations of the Commission
4. Hold a State-Tribal Summit to address matters of mutual concern



The Commission's Policy

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.



The Commission's Policy

Sec. 6. 2. In the process of developing the policy pursuant to subsection 1, the Commission shall consult with representatives of Indian tribes and of state agencies.



The Commission's Policy: Definitions

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



The Commission’s Policy: Definitions

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

However, **NRS 233A.100(3)** adds the Indian Commission may “[c]ooperate with and secure the cooperation of state, county, city and other agencies, including Indian tribes, bands, colonies and groups and intertribal organizations in connection with its study or investigation of any matter within the scope of this chapter or [NRS 383.150](#) to [383.190](#), inclusive.” (NRS 233A.100(3))



The Commission's List

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



The Commission's Report

Sec 7.4. The Commission shall *periodically* submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission:

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



The Commission's Report: State Agency Timelines

Sec 7.3. On or before **July 1** of each year, each state agency that *communicates with Indian tribes on a regular basis* shall submit a report to the Commission on the activities of the state agency pursuant to sections 2 to 8, inclusive, of this act.

Sec. 9. The initial report submitted to the Indian Commission by each state agency must be submitted on or before **July 1, 2020**.



Governor State-Tribal Summit

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



Implementation Options

1. Advisory Committees
2. Assign tasks to individual Commissioners
3. Negotiate and contract for services, facilities, studies and reports
4. Prescribe regulations
5. Cooperate with and secure the cooperation of various state and tribal governments



Advisory Committees

“Appoint advisory committees whenever necessary or appropriate to assist and advise the Commission in the performance of its duties and responsibilities under this chapter.” (NRS 233A.100(1))

Notes:

- Subject to Open Meeting Law
- No more than two Commissioners



Contract

“Negotiate and contract with such other agencies, public or private, as it deems necessary or appropriate for such services, facilities, studies and reports to the Commission as will best enable it to carry out the purposes for which it is created.” (NRS 233A.100(2))

Notes:

- Subject to availability of funding and contract approval
- The Executive Director serves as the contracting officer (NRS 233A.065(6))



Regulations

“The Commission shall prescribe regulations for its own management.”
(NRS 233A.050)

Notes:

- Lengthy process



Cooperation

“Cooperate with and secure the cooperation of state, county, city and other agencies, including Indian tribes, bands, colonies and groups and intertribal organizations in connection with its study or investigation of any matter within the scope of this chapter or [NRS 383.150](#) to [383.190](#), inclusive.”

(NRS 233A.100(3))



Questions

