



## **OVERVIEW OF KEY LEGISLATION IMPACTING NEVADA TRIBES**

The 83rd Legislative Session was a busy time for Nevada Native American Tribes. Strategies 360 worked extensively on several issues affecting Nevada Tribal Members. Tribal healthcare was a major focus of the Session as SB 97 (Tribal seat on the Silver State Health Insurance Exchange) and SB 312 (establishment of the Tribal Health Authority Council and presumptive eligibility for Medicaid) advanced and have been approved by Governor Lombardo. AB 150, a measure to protect Tribal Judges and court personnel, was also unanimously approved by both houses and signed by the Governor. AB 144, which would have established the second Monday in October of each year as "Indigenous Peoples Day" in the State of Nevada, advanced and was approved by both houses but was vetoed by Governor Lombardo. Finally, there was a move to substantially limit tuition fee waivers for Native Americans by the Nevada System of Higher Education. S360 opposed these efforts and ultimately worked to find a solution to preserve the tuition fee waivers for any Native American with ties to the State of Nevada.

## **KEY BILLS THAT PASSED THE LEGISLATURE AND WERE APPROVED BY THE GOVERNOR**

### **[SENATE BILL 97](#)**

S360, along with Angie Wilson, Director of the Reno-Sparks Tribal Health Center, took the lead on Senate Bill 97. SB 97 simply provides that one of the Governor appointed Members of the Silver State Health Insurance Exchange shall be a member of a Nevada Indian Tribe with expertise in tribal health care administration. This was an extremely important step for Nevada Tribal Members to bridge communication and cooperation with between the State and its twenty-eight recognized tribes as it relates to health care insurance coverage.

### **[SENATE BILL 312](#)**

Senate Bill 312 is groundbreaking legislation, focusing on improving health care access for American Indians in Nevada. It introduces several measures to enhance Medicaid eligibility and create a Tribal Health Authority Council. Inspired by the work of Angie Wilson and the Joint Interim Committee on Health and Human Services, the bill was a focus during the legislative session. S360 collaborated extensively with the stakeholders and legislators to move SB 312 through the legislative process, including making sure any fiscal impacts of the bill were addressed and resolved.

Key provisions of the bill include the creation of the Tribal Health Authority Council. The membership of the Council includes directors of health care facilities operated by Indian tribes and representatives from the Indian Health Service and state agencies. The Council will elect a Chair and Vice Chair and will meet quarterly, with members allowed to participate remotely. The Council will advise the Department of Health and Human Services and the Governor on health matters concerning Nevada Tribal Members. The Council will assess health care quality and accessibility for Nevada Tribal Members and update plans to improve access and eliminate barriers. The bill establishes the Account for Tribal Health to fund the Council's activities, including the funding of the Council's Coordinator position. Lastly, the Council may request the drafting of up to two legislative measures (BDRs) related to its scope.

SB 312 also authorizes Nevada Indian tribes to determine if a person is presumptively eligible for Medicaid. The Department of Health and Human Services (DHHS) will provide resources, training, and technical assistance to tribes for accurate determinations. The Director of DHHS will collaborate with the Council to develop a proposal for reinvesting federal funds received under Medicaid.

#### ASSEMBLY BILL 150

Assembly Bill 150, introduced by Assemblymember Orentlicher, focuses on enhancing protections for judicial personnel of Indian tribes and expanding penalties for assault and battery against certain individuals. The bill prohibits threatening or intimidating judicial personnel of Indian tribes and establishes penalties for such threats, including category B or C felonies if physical force or the immediate threat of physical force is used, and gross misdemeanors if no physical force is involved. The bill also authorizes judicial personnel of Indian tribes to request court orders to keep their personal information confidential in county records and allows these personnel to request the Department of Motor Vehicles to display an alternate address on their driver's licenses and identification cards. On behalf of our Tribal clients, S360 strongly supported this bill and worked to move it through the legislative process and receive approval from Governor Lombardo.

#### SENATE BILL 276

SB 276 was one of three bills introduced to promote local government and state agency cooperation with tribes. The bill focuses on **water management** and **pollution control** in Nevada. It establishes provisions for reporting and sharing information related to water incidents, particularly involving sewage or industrial waste discharges. Upon request, state agencies and local entities must provide public records related to water incidents or policies to Indian tribes. Legal mechanisms preventing the sharing of such information with Indian tribes are prohibited. Violations can result in fines up to \$25,000 per day and additional penalties for false statements or tampering with water monitoring devices.

## **KEY BILLS THAT FAILED AND DID NOT ADVANCE IN THE LEGISLATIVE PROCESS OR WERE VETOED BY GOVERNOR LOMBARDO**

### **ASSEMBLY BILL 144**

This bill proposed to establish the second Monday in October as "Indigenous Peoples Day." Strongly supported by S360, tribal leaders, and many other stakeholders, AB 144 received approval by both houses on a party line vote. The fact that Republicans opposed the bill probably led to the Governor's veto of the bill. In his veto message, the Governor explained that "we annually celebrate the rich history of Native Americans on August 9<sup>th</sup>, and further stated that "it is better for Indigenous Peoples Day to fall on a day where there are no other holidays so it can continue to receive Nevadans' undivided recognition."

### **ASSEMBLY BILL 397**

There were two bills (SB 308 and AB 532) introduced and backed by NSHE that proposed to scale back the tuition fee waivers that were implemented after the 2023 Session. These bills largely aimed to limit eligible participants and transition fee waivers from a first dollar to a last dollar model, substantially reducing financial support for Native American students. S360, along with other tribal leaders and stakeholders, strongly opposed these measures, forcing NSHE to work with S360 and tribal stakeholders to find a compromise that was inserted as an amendment to AB 397, a bill sponsored by Assemblymember Watts to expand fee waiver eligibility for homeless youth. Governor Lombardo vetoed the bill. If it had been signed, Section 1.8 of AB 397 would have amended NRS 396.5449, which pertains to fee waivers for Native American students:

#### **Eligibility Criteria**

##### **1. Membership or Descent:**

- The student must be a member of a federally recognized Indian tribe or nation.
- Alternatively, the student can be certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as a descendant of an enrolled member of a tribe or nation, regardless of membership status.

##### **2. Enrollment Eligibility:**

- The student must be eligible for enrollment in a school within NSHE.
- This includes enrollment in dual credit courses through a program for dual credit.

##### **3. Specific Qualifications:**

- The student must meet one of the following criteria:
  - Be a member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of Nevada, regardless of actual residence.
  - Have obtained a high school diploma from a public or private high school in Nevada.

- o Have successfully completed a high school equivalency assessment selected by the State Board of Education and administered in Nevada.
- o Be currently enrolled in a public or private high school in Nevada.
- o Be a descendant of a person who formerly attended the Stewart Indian School.

### **Waiver Details**

#### **1. Amount of Waiver:**

- The waiver must cover the full amount of registration fees, laboratory fees, and any other mandatory fees assessed each semester.

#### **2. Application of Waiver:**

- The waiver applies to any course or program offered by a school within NSHE, whether for a degree or not.
- This includes trade or vocational programs, graduate programs, professional programs, and dual credit courses.
- The waiver is applicable during any academic period, including summer and between terms or semesters.

### **Additional Requirements**

#### **1. Financial Aid Application:**

- For every year the student seeks a waiver, they must complete the Free Application for Federal Student Aid (FAFSA), if eligible.
- If the student is not eligible for federal student aid, they must complete an alternative form prescribed by the school to evaluate financial needs.

#### **2. Academic Progress:**

- The student must meet satisfactory academic progress as defined by federal requirements established under Title IV of the Higher Education Act of 1965.
- The satisfactory academic progress is determined by the school in which the student is enrolled.

### **Documentation**

- The Board of Regents may request documentation to confirm the student's membership or descent from a federally recognized Indian tribe or nation.

### **Residency**

- For the purpose of assessing fees and charges, the student to whom the waiver is granted is deemed to be a bona fide resident of Nevada.

AB 397, as amended, preserved the waiver program for Native American students who have a direct tie to the State of Nevada or the Stewart Indian School. NSHE lobbied hard to limit the waivers for all students but quickly recognized the importance of preserving the Native American waiver program in its initial form from the 2023 Session.

#### **ASSEMBLY BILL 242**

AB 242 proposed to revise provisions related to the Sagebrush Ecosystem Council within the State Department of Conservation and Natural Resources. The bill focused on establishing a program to mitigate damage to sagebrush ecosystems. The Council is required to establish a program by regulation to mitigate damage to sagebrush ecosystems including a system to award credits to individuals and entities for activities that protect, enhance, or restore sagebrush ecosystems. The bill raised concerns among Nevada Tribes for its potential impacts on pine and juniper trees and their habitats from mining and other high impact operations to the lands in Nevada. Carrying a fiscal note from the Department, the bill did not make it out of the Assembly Committee on Ways and Means and did not proceed.

#### **SENATE BILL 286**

SB 286 proposed to establish provisions for tribal communication, cooperation, and consultation in planning processes involving state and local governments. The bill aimed to integrate tribal knowledge and consultation into the planning processes of state and local governments, fostering better cooperation and coordination. However, containing an unfunded mandate, the bill failed to make it out of the Senate Committee on Finance and did not proceed.

#### **ASSEMBLY BILL 392**

AB 392 focused on interlocal agreements and contracts between tribal governments and public agencies in Nevada. It aims to facilitate cooperation and ensure fair dealings between these entities. Tribal governments can enter into joint or cooperative agreements with county governing bodies or their agencies for performing governmental services, activities, or undertakings. These agreements must be conditional interlocal agreements that do not require the tribal government to waive sovereign immunity. The county governing body can terminate the agreement with 90 days' advance notice if:

- The tribal government is more than 60 days delinquent on financial obligations.
- The tribal government fails to respond to a written demand for performance for more than 90 days.
- The tribal government prevents entry onto tribal land or obstructs performance under the agreement.
- The tribal government enters into a conflicting subsequent agreement.

The bill applies definitions from the Interlocal Cooperation Act to these agreements but excludes water authorities, water districts, and water reclamation districts from the scope of these agreements. Citing that these agreements are already provided for in statute (NRS 277), that the bill would limit law enforcement options in the event of tribal nonperformance, and that the bill would increase hesitation for local governments to enter into agreements with tribal governments, Governor Lombardo vetoed the bill.