

CHAPTER 233A - INDIAN AFFAIRS

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NEVADA INDIAN COMMISSION

NAC 233A.010 Definitions. (NRS 233A.050) As used in NAC 233A.020 to 233A.090, inclusive, unless the context otherwise requires:

1. "Chairman" means the Chairman of the Commission.
2. "Commission" means the Nevada Indian Commission.
3. "Commissioner" means a commissioner of the Commission.
4. "Executive Director" means the Executive Director of the Commission.

[Nev. Indian Comm'n, § 233A.010, eff. 12-20-79]

NAC 233A.020 Special meetings of the Commission: Notice. (NRS 233A.050) The Executive Director shall give written notice of each special meeting by mail to each commissioner. The notice must state the time, place, purpose and subject of the special meeting.

[Nev. Indian Comm'n, § 233A.020, eff. 12-20-79]

NAC 233A.030 Agenda of meetings; voting by proxy prohibited. (NRS 233A.050)

1. The Executive Director shall provide a written agenda to the Chairman and each commissioner before each meeting of the Commission. The Executive Director shall mail the agendas to the Chairman and commissioners in sufficient time to permit each of them to review it before the meeting.

2. No commissioner may vote by proxy or designate an alternate to appear at a meeting of the Commission to act in his stead.

[Nev. Indian Comm'n, § 233A.030, eff. 12-20-79]

NAC 233A.040 Minutes of meetings. (NRS 233A.050) The Executive Director shall prepare minutes of each meeting of the Commission. The minutes must be sent to the commissioners when prepared, and the original preserved as a permanent record. Minutes must be distributed to the commissioners and to persons requesting them.

[Nev. Indian Comm'n, § 233A.040, eff. 12-20-79]

NAC 233A.050 Activities of the Commission. (NRS 233A.050)

1. Whenever the Commission requires assistance, service or advice from any local, state or federal agency, the Executive Director, the Chairman or an authorized commissioner shall request the aid.

2. No individual commissioner may express views of the Commission unless he has been previously authorized to do so by the Commission.

3. Commissioners may use the stationery of the Commission only in the furtherance of the affairs of the Commission, and not for personal reasons.

4. The Executive Director shall conduct all correspondence for the Commission and respond to all requests for information addressed to the Commission.

[Nev. Indian Comm'n, § 233A.050, eff. 12-20-79]

NAC 233A.060 Voting by mail. (NRS 233A.050) The Executive Director may obtain the votes of the commissioners on any action of the Commission which is not required to be taken at a public meeting by sending to each commissioner a ballot by United States mail. An action of the Commission taken by mailed ballot will be considered to have been taken on the day on which the Executive Director receives the third affirmative or third negative ballot on the question.

[Nev. Indian Comm'n, § 233A.060, eff. 12-20-79]

NAC 233A.070 Officers; election; vacancies. (NRS 233A.050) The Commission will elect its Chairman and Vice Chairman during the first meeting of each even-numbered calendar year. If a vacancy occurs among the elected officers, the Chairman or a quorum of the commissioners shall call a special meeting for the purpose of electing an officer to fill the vacancy.

[Nev. Indian Comm'n, § 233A.070, eff. 12-20-79] — (NAC A by R005-02, 12-16-2003)

NAC 233A.080 Travel of members of Commission. (NRS 233A.050)

1. No money of the Commission may be spent for travel outside the State unless the travel has been approved by the Commission, except as provided in subsection 2.

2. If the Executive Director is unable to communicate with a quorum of the commissioners, the Chairman may approve the expenditure of money for travel outside the State.

[Nev. Indian Comm'n, § 233A.080, eff. 12-20-79]

NAC 233A.090 Communications regarding Indians on reservations. (NRS 233A.050) The Commission will communicate with the tribal government having jurisdiction on any matter involving an Indian who lives on a reservation.

[Nev. Indian Comm'n, § 233A.090, eff. 12-20-79]

ALLOCATION OF SURPLUS PROPERTY

NAC 233A.100 "Property" defined. (NRS 233B.050) As used in NAC 233A.100 to 233A.170, inclusive, "property" means surplus equipment and property of the Department of Transportation which has been made available for distribution to Indian tribes, or which has been distributed.

(Nev. Indian Comm'n, § 333.900, eff. 12-20-79) — (Substituted in revision for NAC 333.900)

NAC 233A.110 Requests for distribution of property. (NRS 233B.050)

1. An Indian tribe may obtain property pursuant to NRS 333.466 by submitting a request to the Commission in writing or orally.

2. A written request for property must contain:

- (a) The date of the request;
- (b) A description of the property required;
- (c) An explanation of the need for the property; and
- (d) The signature of the chairman of the tribe.

3. An Indian tribe which makes an oral request for surplus property shall provide the information required in subsection 2, in writing, as soon as possible after making the oral request, and show the date of the oral request in its written request with the date of the written request.

(Nev. Indian Comm'n, § 333.910, eff. 12-20-79) — (Substituted in revision for NAC 333.910)

NAC 233A.120 Priority of requests for surplus property. (NRS 233B.050)

1. The Commission will stamp each written request with the date on which it was received, and note on each written request which is made after an oral request the date of the oral request.

2. An amendment to a request for property will be dated with the date of receipt of the amendment.

3. Property will be awarded to tribes in the order in which the requests for the property were received and dated by the Commission, subject to the criteria set forth in NAC 233A.130.

(Nev. Indian Comm'n, § 333.920, eff. 12-20-79) — (Substituted in revision for NAC 333.920)

NAC 233A.130 Criteria for allocation of property. (NRS 233B.050) The Executive Director shall, in making allocations of property, consider:

1. The order in which requests were received;

2. The need of the tribe for the property requested;

3. The projects on which the tribe will use the property;

4. The history of treatment by the tribe of surplus property and of other property belonging to the tribe;

5. The amount of equipment which has been previously allocated to the tribe; and

6. Any other factor which he considers to be important in fairly allocating the property among the tribes which have requested it.

(Nev. Indian Comm'n, § 333.930, eff. 12-20-79) — (Substituted in revision for NAC 333.930)

NAC 233A.140 Examination of surplus property. (NRS 233B.050)

1. An Indian tribe may examine all of the property of the type described in the request, and may select the property which it wishes to receive. Selection must be made in the same order of priority in which the property was allocated among the tribes.

2. A tribe which has elected to examine property must notify the Commission of its selection at least 2 days before the deadline set by the Commission for the allocations. A tribe which fails to give notice pursuant to this section will be allocated property from among that available regardless of its selection.

(Nev. Indian Comm'n, § 333.940, eff. 12-20-79) — (Substituted in revision for NAC 333.940)

NAC 233A.150 Disposition of allocated property. (NRS 233B.050) All property allocated to a tribe through the Commission must be taken by the tribe to which it is allocated within the time specified by the Commission.

(Nev. Indian Comm'n, § 333.950, eff. 12-20-79) — (Substituted in revision for NAC 333.950)

NAC 233A.160 Tribes required to maintain insurance. (NRS 233B.050)

1. Each tribe which receives property shall maintain adequate insurance coverage for the property from the time the property is taken by the tribe until title to the property is transferred to the tribe. Each tribe shall provide certificates of that insurance to the Commission.

2. A tribe which fails or refuses to maintain adequate insurance coverage for property to which it does not have title may be required to return the property to the Commission at a place designated by the Commission.

(Nev. Indian Comm'n, § 333.960, eff. 12-20-79) — (Substituted in revision for NAC 333.960)

NAC 233A.170 Agreements; form. (NRS 233B.050)

1. The Commission will provide forms for agreements covering all property allocated to Indian tribes.

2. The form of agreement must be signed by the tribal chairman and returned to the Commission.

(Nev. Indian Comm'n, § 333.970, eff. 12-20-79) — (Substituted in revision for NAC 333.970)