

## CHAPTER 233A - INDIAN AFFAIRS

### NEVADA INDIAN COMMISSION

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### NEVADA INDIAN COMMISSION

#### General Provisions

**NRS 233A.010 Definitions.** As used in this chapter:

1. "Chair" means the Chair of the Nevada Indian Commission.
2. "Commission" means the Nevada Indian Commission.
3. "Commissioner" means a commissioner of the Nevada Indian Commission.

(Added to NRS by 1965, 687; A 1973, 293)

**NRS 233A.020 Creation; members.** The Nevada Indian Commission, consisting of five members appointed by the Governor, is hereby created.

(Added to NRS by 1965, 687; A 1973, 293; 1977, 1182)

**NRS 233A.030 Commissioners: Appointment; qualifications.** The Governor shall appoint:

1. Three members who are Indians.
  2. Two members who are representatives of the general public.
- (Added to NRS by 1965, 687; A 1969, 1137; 1973, 294; 1977, 1182; 1989, 1399)

**NRS 233A.040 Authorized expenses.** The Commission may incur all necessary expenses within the limits of legislative appropriations to effectuate its purposes.

(Added to NRS by 1965, 687)

**NRS 233A.050 Chair; meetings; regulations for management; quorum.** The commissioners shall designate a Chair. The commissioners may meet regularly at least four times each year and at such places and times as are specified by a call of the Chair or majority of the Commission. The Commission shall prescribe regulations for its own management. Three members of the Commission constitute a quorum which may exercise all the authority conferred upon the Commission.

(Added to NRS by 1965, 687; A 1967, 1493; 1969, 1138; 1973, 294; 1983, 183, 1438)

**NRS 233A.055 Executive Director: Appointment; qualifications; classification; restrictions on other employment.**

1. The Governor, upon recommendation of the Commission, shall appoint an Executive Director of the Commission who has had successful experience in the administration and promotion of a program comparable to that provided by this chapter.

2. The Executive Director of the Commission is in the unclassified service of the State.

3. Except as otherwise provided in NRS 284.143, the Executive Director of the Commission shall devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

(Added to NRS by 1969, 1137; A 1971, 1429; 1981, 1277; 1985, 412; 1997, 618)

**NRS 233A.065 Executive Director: Duties.** The Executive Director of the Commission shall:

1. Be jointly responsible to the Governor and the Commission.

2. Direct and supervise all the technical and administrative activities of the Commission.

3. Attend all Commission meetings and act as Secretary, keeping minutes and audio recordings or transcripts of the proceedings.

4. Report to the Governor and the Commission all matters concerning the administration of his or her office. The Executive Director shall request the advice of the Commission regarding matters of policy, but is responsible, unless otherwise provided by law, for the conduct of the administrative functions of the Commission office.

5. Compile, for Commission approval and submission to the Governor, a biennial report regarding the work of the Commission and such other matters as the Executive Director may consider desirable.

6. Serve as contracting officer to receive funds from the Federal Government or other sources for such studies as the Commission deems necessary.

7. Attend all meetings of any special study committee appointed by the Governor pursuant to this chapter and act as Secretary, keeping minutes and audio recordings or transcripts of the proceedings.

8. Perform any lawful act which the Executive Director considers necessary or desirable to carry out the purposes and provisions of this chapter.

(Added to NRS by 1969, 1137; A 2005, 1407)

**NRS 233A.070 Executive Director: Appointment of staff.** The Executive Director of the Commission may appoint such professional, technical, clerical and operational staff as the execution of his or her duties and the operation of the Commission may require.

(Added to NRS by 1965, 688; A 1969, 1138; 1985, 412)

**NRS 233A.080 Salary and expenses of commissioners and employees; payment of claims.**

1. Commissioners who are not in the regular employ of the State are entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day spent on the work of the Commission. Commissioners who are in the regular employ of the State shall serve without additional salary.

2. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. Claims for payment of all expenses incurred by the Commission, including the salaries and expenses of its commissioners, must be made on vouchers and paid as other claims against the State are paid.

(Added to NRS by 1965, 688; A 1971, 841; 1975, 297; 1981, 1978; 1985, 412; 1989, 1709)

**NRS 233A.090 Purpose; reports and recommendations.** 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.

(Added to NRS by 1965, 688; A 1973, 345)

**NRS 233A.092 Designation as coordinating agency regarding activities at and uses of buildings and grounds of former Stewart Indian School.** The Commission is hereby designated as the coordinating agency for discussions among the Commission, state agencies and local governmental entities regarding activities at and uses of the buildings and grounds of the former Stewart Indian School.

(Added to NRS by 2015, 278)

**NRS 233A.095 Nevada Tribes Legislative Day: Duties of Commission.** In observance of "Nevada Tribes Legislative Day" established pursuant to NRS 236.038, the Nevada Indian Commission shall:

1. Invite the Legislature, the Governor and other elected officials to recognize and pay tribute to the history and culture of American Indians and their contributions to the prosperity and cultural diversity of Nevada and the United States.

2. Schedule activities and discussions between state and tribal leaders on issues of common interest.  
(Added to NRS by 2013, 219)

**NRS 233A.097 Nevada Indian Commission's Gift Fund.**

1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money or other property which the Commission is authorized to accept must be accounted for in the Nevada Indian Commission's Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The Commission may establish such accounts in the Fund as are necessary to account properly for gifts and grants received. All such money received by the Commission must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Executive Director of the Commission or his or her designee.

2. Gifts of property other than money may be sold or exchanged when this is deemed by the Commission to be in the best interest of the Commission. The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the Commission. All money received from the sale must be deposited in the State Treasury to the credit of the appropriate gift account in the Nevada Indian Commission's Gift Fund. The money may be spent only for the purposes of the Commission. The property may not be sold or exchanged if to do so would violate the terms of the gift.

(Added to NRS by 2015, 278)

**NRS 233A.100 Powers.** The Commission may:

1. Appoint advisory committees whenever necessary or appropriate to assist and advise the Commission in the performance of its duties and responsibilities under this chapter.

2. 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.

3. 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.

(Added to NRS by 1965, 688; A 1977, 49; 1979, 616; 1989, 575)

**Advisory Committee Concerning Children's Health Insurance Program**

**NRS 233A.101 Definitions.** Repealed. (See chapter 100, Statutes of Nevada 2015, at page 381.)

**NRS 233A.102 "Advisory Committee" defined.** Repealed. (See chapter 100, Statutes of Nevada 2015, at page 381.)

**NRS 233A.103 "Children's Health Insurance Program" defined.** Repealed. (See chapter 100, Statutes of Nevada 2015, at page 381.)

**NRS 233A.104 Creation; composition; terms of members; vacancies; meetings; Chair.** Repealed. (See chapter 100, Statutes of Nevada 2015, at page 381.)

**NRS 233A.106 Compensation of members.** Repealed. (See chapter 100, Statutes of Nevada 2015, at page 381.)

**NRS 233A.107 Duties; Commission to consider advice and recommendations and provide staff.** Repealed. (See chapter 100, Statutes of Nevada 2015, at page 381.)

**RIGHTS OF INDIANS**

**NRS 233A.110 Indians subject to jurisdiction of State entitled to all services of State.** Indians subject to the jurisdiction of the State of Nevada pursuant to the provisions of NRS 41.430 and 194.040 are entitled to all services of the State of Nevada, including, without limitation, correctional legal aid, public defender, probational and psychiatric services afforded to any other persons who are defendants in criminal actions or parties to civil actions in the courts of this State.

(Added to NRS by 1973, 1052)

**NRS 233A.120 Rights of self-government preserved.** The provisions of NRS 41.430 and 194.040 do not preclude Indian tribes who are recognized by the United States as possessing powers of self-government from enacting their own laws, regulations and ordinances, and enforcing them by their own tribal courts in accordance with their rules of procedure, but no person subject to the jurisdiction of such tribal court or governmental organization shall be denied any rights guaranteed by the constitutions of the United States or the State of Nevada.

(Added to NRS by 1973, 1052)

**NRS 233A.130 Jurisdiction of administrative agencies not extended.** The provisions of NRS 41.430 and 194.040 do not increase the power of administrative agencies of the State of Nevada to exercise their jurisdiction over

persons living and residing upon tribal or Indian country with the consent of the Indian tribe having jurisdiction over that country, but the extent to which such jurisdiction of administrative agencies existed prior to July 1, 1974, shall remain the same and in full force and effect.

(Added to NRS by 1973, 1052)