

ASSEMBLY BILL

No. 968

Introduced by Assembly Member Chesbro

February 18, 2011

An act to add Section 12012.2 to, and to amend Section 11019.8 of, the Government Code, relating to California Indian tribes.

LEGISLATIVE COUNSEL'S DIGEST

AB 968, as introduced, Chesbro. California Indian tribes: state agencies.

Existing law encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes.

This bill instead would require all state agencies to cooperate with federally recognized California Indian tribes pursuant to these provisions. It would also require every state agency to adopt a policy of communication and consultation with, and require the Governor to meet at least annually with elected officials of, California Indian tribes, regardless of whether a tribe qualifies as a federally recognized California Indian tribe.

This bill would establish the position of Native American Advisor on Tribal Issues in the Governor's office, to be a member of a federally recognized California Indian tribe. It would require the advisor to serve as a resource to the Governor and state agencies on issues affecting California Indian tribes and be an advocate on behalf of all California Indian tribes, regardless of whether a tribe qualifies as a federally recognized California Indian tribe.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11019.8 of the Government Code is amended to read:

11019.8. (a) (1) All state agencies, as defined in Section 11000, ~~are encouraged and authorized to~~ *shall* cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes.

~~(b)~~

(2) Cooperation by state agencies with federally recognized California Indian tribes may include, but need not be limited to, all of the following:

~~(1)~~

(A) Providing information on programs available to assist Indian tribes.

~~(2)~~

(B) Providing technical assistance on the preparation of grants and applications for public and private funds, and conducting meetings and workshops.

~~(3)~~

(C) Any other steps that may reasonably be expected to assist tribes to become economically self-sufficient.

~~(e) Cooperation by state agencies on economic development and improvement for federally recognized California Indian tribes, as described in this section, shall not be construed to include activities that promote gambling.~~

(b) (1) *Every state agency shall adopt a policy of communication and consultation with all California Indian tribes, regardless of whether a tribe qualifies as a federally recognized California Indian tribe.*

(2) *The policy adopted by the state agency shall provide for timely and meaningful communication and consultation with tribes and permit elected officials and other representatives of tribal governments to provide timely and meaningful input into the development of legislation, regulations, rules, and policies on matters that significantly or uniquely affect the tribal community. The policy shall require communication and consultation with tribes before the agency may propose legislation, or propose or adopt regulations, rules, or policies, that may materially affect the tribal community.*

1 (c) *The Governor shall meet at least annually with elected*
2 *officials of California Indian tribes, regardless of whether a tribe*
3 *qualifies as a federally recognized California Indian tribe, to*
4 *provide meaningful input into the development of the Governor's*
5 *policies that significantly or uniquely affect the tribal community.*

6 (d) *Activities performed by state agencies or by the Governor*
7 *pursuant to this section shall not be construed to include activities*
8 *that promote gaming.*

9 SEC. 2. Section 12012.2 is added to the Government Code, to
10 read:

11 12012.2. (a) The position of Native American Advisor on
12 Tribal Issues is established in the Governor's office. The advisor
13 shall be a member of a federally recognized California Indian tribe.

14 (b) The advisor shall serve as a resource to the Governor and
15 state agencies on issues affecting California Indian tribes,
16 including, but not limited to, natural resources, education, health
17 care, and other quality of life issues.

18 (c) The advisor shall be an advocate on behalf of all California
19 Indian tribes, regardless of whether a tribe qualifies as a federally
20 recognized California Indian tribe.