



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

FINAL AMENDED
FACT SHEET FOR S.B. 1237

commission of Indian affairs; continuation
NOW: governor's office on tribal relations

Purpose

Repeals the Arizona Commission of Indian Affairs (Commission) and transfers duties to the Governor's Office on Tribal Relations (Office).

Background

The Commission was created in 1953 to consider and study conditions among the Indians living within the State of Arizona. In 1986, the Legislature changed the Commission's statutory mission by requiring that the Commission serve as the state's liaison with tribes. The Commission exists to assist and support state and federal agencies in assisting Indians and tribal councils in this state to develop mutual goals, to design projects for achieving goals and to implement their plans.

The public body of the Commission consists of 20 members, including seven Indian members and four at-large members appointed by the Governor, and nine ex-officio members who serve by the virtue of their office. The Commission hosts two distinct events that enable the state and tribes to address issues on a regular basis: Indian Nations and Tribes Legislative Day (Legislative Day) and the Arizona Indian Town Hall.

The Commission receives an estimated \$57,400 from the state General Fund according to the FY 2017 JLBC Baseline report.

Provisions

1. Repeals the Commission and the Indian Affairs Publications Fund (Fund), transfers unencumbered monies remaining in the Fund to the Office.
2. Stipulates the authority, powers, duties and responsibilities of the Commission be transferred to the Office.
3. Establishes the Office to assist state agencies in implementing tribal consultation and outreach activities including the following:
 - a) initiate or assist with programs on tribal land upon request or approval of the Tribal Council for the Tribal Nation;

- b) request information from state and local public officers and employees unless it may not be disclosed pursuant to law;
 - c) apply for, accept, receive and spend public and private gifts or grants of monies and property for the American Indian People to impart their knowledge on statewide issues;
 - d) accept, receive and spend fees collected to defer expenses for the Arizona Indian Town Hall;
 - e) provide cross-cultural training and serve as a central repository for information;
 - f) receive annual notice from the director of the Arizona State Museum if American Indian human remains, funerary objects, sacred ceremonial objects or objects of cultural patrimony are discovered;
 - g) promote an increased participation by American Indians in local and state affairs;
 - h) work with state agencies to design and implement programs to stimulate economic growth of the American Indian population; and
 - i) establish committees as necessary.
4. Requires the Office to annually prepare a report summarizing the progress and challenges outlined in each state agencies annual progress report and deliver the report during the Legislative Day.
 5. Requires the Governor to annually hold a State-Tribal Summit to address issues of mutual concern with the 22 Tribal Nations and Communities in Arizona.
 6. Transfers the Legislative Day and Indian Town Hall Fund duties and responsibilities to the Office.
 7. Stipulates the Office shall coordinate the Legislative Day with the President of the Senate, the Speaker of the House and Native American Legislators.
 8. Alternates hosting the Legislative Day between both chambers of the Legislature and requires a joint session to be held.
 9. Requires each state agency to do the following:
 - a) create tribal consultation policies;
 - b) seek input from elected or appointed tribal officials before taking an action that may affect a tribal community;
 - c) integrate the input generated from Tribal consultations into agency decision making processes;
 - d) designate a state member to assume responsibility for the agency implementation of the tribal consultation policies and point of contact for tribal affairs; and
 - e) review the agency's tribal consultation policies each year and submit an electronic progress report to the Office by October 1.
 10. Stipulates the Office will annually participate in the evaluation and coordination of activities relating to the education of Native American pupils.
 11. Contains a purpose statement.

12. States the act does not alter or effect any actions taken or impair valid obligations of the Commission in effect on the effective date of this act, retroactive to July 1, 2016.
13. Transfers all equipment, records, data, furnishings and other property, all obligations and appropriated unencumbered monies unspent on the effective date of this act from the Commission to the Office retroactive to July 1, 2016.
14. Repeals the Commission on July 1, 2016.
15. Creates the Office retroactive to July 1, 2016, through July 1, 2024.
16. Repeals the Office effective on January 1, 2025.
17. Makes technical and conforming changes.
18. Becomes effective on the general effective date, with a retroactive provision as noted.

Amendments Adopted by the House of Representatives

1. Repeals the Commission the authority, powers, duties and responsibilities of the Commission to the Office.
2. Establishes the Office to assist state agencies in implementing tribal consultation and outreach activities. Transfers the Legislative Day and Indian Town Hall Fund duties and responsibilities to the Office.
3. Requires the Governor to annually hold a State-Tribal Summit to address issues of mutual concern with the 22 Tribal Nations and Communities in Arizona.
4. Stipulates requirements for coordinating the Legislative Day.
5. Requires state agencies to create and follow tribal consultation policies.
6. Adds succession language.

Senate Action

House Action

GOV	2/17/16	DP	6-0-1-0	GHE	3/10/16	DP	6-0-0-3
3 rd Read	2/29/16		30-0-0-0	3 rd Read	5/06/16		54-1-5-0
Final Read	5/06/16		28-0-2-0				

Signed by the Governor on 5/11/2016
Chapter 150

Prepared by Senate Research
June 1, 2016
RH/rf