

# AB 275 (RAMOS, 2020)

---

UNITED AUBURN INDIAN COMMUNITY

# CONSULTATION

---

- The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, achieving agreement. Consultation between agencies or museums and California Indian tribes shall be conducted in a manner that is respectful of tribal sovereignty. Consultation also shall recognize the tribes' potential need for confidentiality with respect to tribal traditional knowledge and all tribal information shared during the consultation.

# LIAISON(S)

---

- The Regents, on behalf of the University of California, are requested to designate, and every other state agency with significant interaction with tribal issues, peoples, or lands shall designate, one or more liaisons for the purpose of engaging in consultation with California Native American tribes on the contact list maintained by the Native American Heritage Commission pursuant to paragraph (2) of subdivision (c) of Section 8012 of the Health and Safety Code and educating the agency on topics relevant to the state's relationship with those tribes. For purposes of this section, "state agency" means a department or agency of the state, the California State University, the University of California, and the Judicial Council of California.

# TRIBAL EXPERTISE (LEGISLATIVE INTENT)

---

- Recognize that California Indian tribes have expertise with regard to their tribal history and practices that concern the Native American human remains, cultural items, and tribal cultural resources with which they are traditionally and culturally affiliated and, because the federal and state repatriation processes call for a sufficient degree of analysis, include tribal traditional knowledge about the land and resources at issue in all decisions related to repatriation processes. This includes treating tribal traditional knowledge as the authority with respect to determining cultural affiliation and the identification of cultural items so that it is given deferential weight to other lines of evidence. Tribal traditional knowledge meets the “reasonable” standard that is identified in California Native American Graves Protection and Repatriation Act of 2001.

# TRIBAL TRADITIONAL KNOWLEDGE

---

- Knowledge systems embedded and often safeguarded in the traditional culture of California Indian tribes and lineal descendants, including, but not limited to, knowledge about ancestral territories, cultural affiliation, traditional cultural properties and landscapes, culturescapes, traditional ceremonial and funerary practices, lifeways, customs and traditions, climate, material culture, and subsistence. Tribal traditional knowledge is expert opinion.

# CANONS OF CONSTRUCTION

---

- Apply the state's repatriation policy consistently with the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.), which was enacted in 1990, as subsequently amended, while considering the unique history of California towards California Indian tribes and the canon of construction regarding federal Indian law with respect to: laws must be interpreted as the Indians would have understood them, be construed liberally in favor of the Indians, resolve all ambiguities in the law in favor of the Indians, and preserve tribal property rights and sovereignty unless a contrary intent is clearly stated.