

## SUMMARY

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AB 275 strengthens existing law (known as Cal-NAGPRA) concerning the requirement of State museums and institutions to repatriate collections of Native American remains and cultural items in their possession to culturally affiliated California Native American tribes, including clarifying the collaboration and consultation between Native American Tribes, museums and institutions in possession of such items, and the Native American Heritage Commission, as it relates to repatriation of human remains and cultural items.

## BACKGROUND

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California is home to nearly one-fifth of all federally recognized tribes. According to the 2010 census, 723,000 Native Americans reside in California, more than any other state.

The Native American Heritage Commission (NAHC), created in 1976, is a nine-member body appointed by the Governor. The NAHC identifies, catalogs, and protects Native American cultural resources, and plays key roles in the implementation of the Cal-NAGPRA.

Under the current Five-Year Strategic Plan, the Commission's mission is to "protect Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines on public property, and to ensure the respectful treatment and disposition of ancient Native American human remains and associated grave goods, all to the fullest extent of the law."

## PROBLEM

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In 2001 the State of California enacted AB 978 (also known as Cal-NAPGRA), to address the specific concerns of California Native Americans seeking repatriation of their human remains and other cultural items that are presently held by State-funded institutions and museums. AB 978 was never fully funded or implemented.

California Native American tribes are seeking the implementation of Cal-NAPGRA. The NAHC stands ready to carry out its duties with regard to implementation, however, the 20 year old law needs updating in accordance with federal law and also so that it is consistent with current unique challenges faced by the California Tribal community when seeking repatriation of human remains and cultural items to which they are culturally affiliated.

## SOLUTION

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AB 275 establishes the following:

- Updates current law with respect to key definitions and processes applicable to State museums and institutions, as defined, including consideration of "tribal knowledge" and "state cultural affiliation" in the determination of repatriation eligible items.
- The NAHC will determine California Native American tribes for the purpose of repatriation of tribal human remains and cultural items under State law.
- Defines a California Indian Tribe as a tribe located in California that meets the definition of Indian tribe under the federal Native American Graves Protection and Repatriation Act, or is not recognized by the federal government but is on the contact list maintained by the NAHC.
- Requires State museums and institutions, as defined, to engage in consultation with California Indian Tribes, where the NAHC may assist, but the agency or museum bears the obligation to contact and consult with California Indian Tribes.

- Clarifies the California Native American Heritage Commission's ability to assist in disputes, including identifying a certified mediator for settling disputes.

**SPONSOR**

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United Auburn Indian Community of the Auburn  
Rancheria

**STAFF CONTACT**

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