



NATIVE AMERICAN HERITAGE COMMISSION

January 19, 2024

To: Commissioners, Native American Heritage Commission
From: Mario Pallari, Staff Counsel
Re: Assembly Bill 389: California State University Integration into CalNAGPRA

I. KEY SUMMARY OF ASSEMBLY BILL 389 AMENDING CALNAGPRA

Assembly Bill (AB 389), by Assemblymember James C. Ramos (D-San Bernardino), created amendments to CalNAGPRA, Health and Safety Code Division 7, Part 2, Chapter 5, Article 3.5. These amendments require the CSU System to follow recommendations from the State Auditor as well as comply with NAGPRA and Cal NAGPRA in the repatriation of Ancestors and cultural items to California Native American Tribes.

II. AB 389 CREATES THE FOLLOWING LEGAL OBLIGATIONS FOR THE CALIFORNIA STATE UNIVERSITY SYSTEM:

- Establish Systemwide and Campus Committees
- Adopt and Implement Systemwide Policies regarding the culturally appropriate treatment and repatriation of Native American human remains and cultural items addressing:
 - Submitting, processing, and implementing claims for repatriation.
 - Museum collection management policies addressing deaccession.
 - Identification and disposition of culturally unidentifiable human remains.
 - Rooting all policies in consultation with California Indian Tribes maintained on the NAHC Contact List.
 - Updating existing inventories or summaries to identify cultural items that may not have been identified in the original inventories or summaries because traditional tribal knowledge was not incorporated into the identification process.
- Prohibits the use of Native American human remains or cultural items for the purposes of teaching or research at the California State University.
- Timely submit the policies and procedures to the commission, so they may review and comment upon them by July 1, 2024.
- Implement Systemwide policies on or before July 1, 2025
- Adopt repatriation dispute resolution and mediation procedures.
- Requires campuses to have full time repatriation coordinators and a systemwide coordinator.

- Submit an annual report to the Legislature beginning December 31, 2024.
- Each campus with Native American Ancestors or cultural items must estimate, by January 31, 2025, the funding and resources needed to complete repatriations in an appropriate and timely manner.

III. AB 389 CREATES THE FOLLOWING LEGAL OBLIGATIONS FOR THE NATIVE AMERICAN HERITAGE COMMISSION

- Nominate candidates to the CSU Systemwide and Campus Committees.
- Review the CSU Systemwide Policy and offer recommendations for amendment.
- Review the CSU funding estimates for completing successful repatriations.