

**STATE OF CALIFORNIA
NATIVE AMERICAN HERITAGE COMMISSION
1550 HARBOR BOULEVARD, SUITE 100
WEST SACRAMENTO, CA 95691**

TITLE 14, CALIFORNIA CODE OF REGULATIONS
CalNAGPRA Enforcement: Adoption of Sections 31020 - 31027

NOTICE OF PROPOSED RULEMAKING

The Native American Heritage Commission (“Commission”) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Commission will hold a public hearing starting at 11:00am, on April 17, 2026, at 715 P Street, Auditorium, Sacramento, CA. There will also be an opportunity to participate via webinar/teleconference. A link to the hearing will also be posted on the of the NAHC website at nahc.ca.gov, no later than 10 days before the day of the hearing. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Commission requests, but does not require, that persons who make oral comments also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to:

NATIVE AMERICAN HERITAGE COMMISSION
ATTENTION: CHAIRMAN REGINALD PAGALING
1550 HARBOR BOULEVARD, SUITE 100
WEST SACRAMENTO, CA 95691

Comments may also be submitted by email to: tribal.consultation@nahc.ca.gov.

The written comment period closes on April 24, 2026. The Commission will consider only timely received comments. When commenting, please indicate the proposed rulemaking action to which your comment refers.

AUTHORITY AND REFERENCE

Health and Safety Code section 8029(a) authorizes the Commission to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific section 8029 of the Health and Safety Code.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

This rulemaking action clarifies and makes specific the process by which a civil penalty may be assessed for violations of the California Native American Graves Protection and Repatriation Act (“CalNAGPRA”) as provided for by section 8029 of the Health and Safety Code.

Health & Safety Code section 8029 provides for the imposition of civil penalties up to the amount of \$20,000 for violations of CalNAGPRA. These proposed regulations will, after a determination that a violation of CalNAGPRA has occurred, permit the Commission to assess and collect civil penalties.

The regulations proposed in this rulemaking action make clear that enforcement of CalNAGPRA will be pursued in instances where an institution in possession or control of Native American human remains or cultural items does not receive federal funds or when an institution that is subject to the federal Native American Graves Protection and Repatriation Act (NAGPRA) is not taking actions determined to be in good faith compliance with federal law. Additionally, these proposed regulations would create a process for investigating complaints of violations of CalNAGPRA; establish the process and procedure to determine whether a violation has occurred; specify how the amount of civil penalty will be determined; and provide for the imposition of a civil penalty by the Commission after a public hearing. The proposed regulations would also require quarterly reporting of complaints received and outcomes, including the amount of any civil penalty imposed.

Objectives and Anticipated Benefits of the Proposed Regulation

The broad objective of these proposed regulations is to allow the Commission to impose civil penalties up to the amount of \$20,000 for violations of CalNAGPRA. An additional goal of these proposed regulations is to create a clear process by which the Commission will use to determine whether to impose a civil penalty and in what amount. An anticipated benefit of these proposed regulations is the ability to hold accountable those institutions who are subject only to CalNAGPRA or are not in good faith compliance with federal law.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The Commission determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the enforcement of the California Native American Graves Protection and Repatriation Act.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Commission may incur nominal costs that may be absorbed within its existing resources.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None.

Significant effect on housing costs: None.

Small Business Determination: The proposed regulation will only affect small businesses that fail to comply with CalNAGPRA and are assessed a civil penalty. Because only a small number of the collections subject to CalNAGPRA are held by anything other than colleges, universities, or large museums, the Commission has determined that it is unlikely that more than a few small businesses in the state would be subject to these regulations. Therefore, the proposed regulations will not have a significant statewide adverse economic impact directly on small businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Impact on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the state,
- 2) the creation of new businesses or the elimination of existing businesses within the state,
or
- 3) the expansion of businesses currently doing business in the state.

Benefits of Regulation

The proposed regulation will not directly enhance the health and welfare of California residents, worker safety, and the state's environment.

The benefit of the proposed regulation is to allow the Commission to impose civil penalties when an institution is in violation of both NAGPRA and CalNAGPRA by establishing a clear process and procedure by which the Commission may investigate and fine a non-complying institution.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

Michelle Carr, Chief Counsel
Native American Heritage Commission
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
TELEPHONE: (916) 268 - 1439
EMAIL: michelle.carr@nahc.ca.gov

The backup contact person for this proposed action is:

Mario Pallari, Staff Counsel
Native American Heritage Commission
1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
TELEPHONE: (909) – 375-1476
EMAIL: mario.pallari@nahc.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Michelle Carr using the contact information above.

AVAILABILITY OF DOCUMENTS

Availability of Statement of Reasons, Text of Proposed Regulations, and Rulemaking File

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, and the documents relied upon. Copies may be obtained by contacting Michelle Carr using the contact information above.

Availability of Changed or Modified Text

After holding the hearing and considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this Notice. If the Commission makes modifications which are sufficiently related to the originally proposed text it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified text to the attention of Michelle Carr using the contact information above. The Commission will accept written comments on the modified text for 15 days after the date on which it is made available.

Availability of the Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Michelle Carr using the contact information above.

Availability of Documents on the Internet

Copies of this Notice, the proposed text of the regulation, and the Initial Statement of Reasons can be accessed on the Commission’s website at www.nahc.ca.gov.