

Report
of the

23rd Arizona Indian Town Hall

***“LAYING THE
FOUNDATION FOR
STRONGER
TRIBAL-STATE
RELATIONS”***

June 2-4, 2003



Hosted by:

Arizona Commission of Indian Affairs

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Front cover photo: Navajo Nation President Joe Shirley, Jr. [left] with Senate President Ken Bennett during Indian Nations and Tribes Legislative Day, Jan. 21, 2003.
Indian Nations Day is facilitated by the Arizona Commission of Indian Affairs
[Debra Krol]

Report of the 23rd Arizona Indian Town Hall

"Laying the Foundation for Stronger Tribal-State Relations"

June 2-4, 2003

INTRODUCTION

Tribal-state relations have entered a new era. Whether or not stakeholders are ready for these changes, federal devolution policies have created a new environment requiring much greater intergovernmental cooperation. Tribal, state, and local governments and community members are learning that they must work together or face the consequences of service inequities, missed opportunities to acquire new or increased resources, and the financial and social costs of continuing litigation.

In the midst of this sea change in policy, tribes continue to use their powers of self-determination to build their economies, communities and governments.

However, states and local governments, wary of tribes' growing confidence and insistence on exerting their inherent sovereignty, are still unsure of how to deal with the nation-states within their borders. While some states are taking steps to create lasting tribal-state relational policy across the board, others still struggle with intergovernmental relations on an agency-by-agency basis, or even resist tribes' rights to wield authority over their lands, people and environment.

As Sam Deloria, director of the American Indian Law Center at the University of New Mexico and a nationally-recognized expert on tribal state relations said, if a plane flew over Phoenix and a dollar fell to the ground, the Indian would complain if a non-Indian picked up the dollar, and the non-Indian would complain if the Indian picked it up. However, the dollar would likely be spent at Wendy's. "There is only one economy," said Deloria. "The question is where the money comes from and where the money goes." (1) This is one reason why tribes and states should build better relationships, said Deloria.

The 23rd Arizona Indian Town Hall, which met in Phoenix on June 2-4, 2003 brought together Indian and non-Indian leaders, administrators, and community members to discuss and make recommendations on how the 22 Indian Tribes/Nations and the State of Arizona can craft formal relations policies that

(1) Deloria made this statement during his keynote speech during the Arizona Indian Town Hall, June 3, 2003.

will both ensure tribal-state collaboration in intergovernmental affairs while respecting the inherent sovereignty of Indian Tribes/Nations. Participants discussed economic and community development, health and welfare and jurisdictional issues. This is their report.

PANEL DISCUSSION 1—Economic and Community Development

QUESTION 1

How would economic development be defined from the tribal perspective? From the non-tribal perspective? How would community development be defined from the tribal perspective and from the non-tribal perspective? How is economic and community development different, and how are they the same in your community?

Participants feel that tribal communities differ in their views as to what defines economic development. When developing plans, participants recommend that tribes consider how economic endeavors will impact factors such as social and human development, tradition and culture, and each tribe's unique conditions.

Indian Town Hall participants feel that non-tribal economies operate on a capitalistic basis, broken down into government and private sectors. Governments control the labor market and worker conditions. The private sector controls distribution and productions of goods and services. Private sector is motivated by profit and innovation.

Participants stress that community and economic development cannot occur separately, but should be considered as a whole.

QUESTION 2

Over the past decades, research indicate the following issues to be common among tribal communities; lack of infrastructure for communication and/or utilities; lack of legal codes [business/commercial]; lack of land-use planning; lack of local support for local businesses; lack of local planning-strategic and long-term; lack of adequate roads; and lack of capital, among others. From the tribal perspective, prioritize these issues and discuss your reasons for ranking them in the order that you chose and do the same from the non-tribal perspective [you can consider other issues not listed above]. How does the priority from the tribal perspective differ from the non-tribal community? If it does, what do you think has caused this difference between the tribal and non-tribal perspective?

Some participants feel that the lack of physical infrastructure, such as roads, utilities and water service, contributed to other barriers in tribal communities. Others say that land use, long range planning and tribal codes are the top priorities. Participants recommend that these issues need to be tackled concurrently. Also, community members need to engage in more public discourse with

their tribal leaders.

Participants stress that tribes are concerned for their land, community and culture.

One major issue that participants note as a huge issue in tribal economic and community development is tribal codes, particularly business policies and commercial codes. Participants also note that some tribes have adopted state codes, but must continually revise and update them when they prove to be a bad fit for their unique communities. Non-tribal communities are concerned with money and profit; also, non-tribal communities already have the infrastructure in place for development.

QUESTION 3

Which forms of government or non-governmental entities mainly deal with economic and community development on Indian reservations and in non-Indian communities? To separate politics from business, a few tribal communities have developed separate economic/business councils to make sound business decisions on behalf of their tribe, such as Tohono O'odham Nation's Economic Development Authority, Hualapai Tribe's Grand Canyon West Corporation, Gila River Indian Community's Lone Butte Industrial Park board, etc. Why is it important to separate politics from business in building tribal economies? For off-reservation communities, how effectively do you believe that economic/business councils separate business from politics and what are some of your issues surrounding this dichotomy? How important is it for economic/business councils to interact or collaborate with their central governments [tribe, cities, towns and counties] to address economic development issues/projects? Should tribes also collaborate with other tribes to develop intertribal relations to develop economies?

In order to eliminate conflicts of interest, participants feel that tribal governmental involvement in economic and community development decrease. It was recommended that political influences be eliminated, removed and/or separated from economic and community development.

Participants recommend that tribes establish their own corporation commissions to develop standards for establishment and operation of businesses. Tribal corporation boards should be made up of well-qualified tribal members who are capable of making sound business decisions. Boards should, however, possess accountability for their decisions, which will help them make ethical decisions. Boards should, however establish a liaison with tribal councils to maintain communications.

The Indian Town Hall recommends that tribes promote intertribal trade and develop partnerships with both tribal and non-tribal communities to help show-

case their businesses.

QUESTION 4

Proposition 202, the 17-Tribe Indian Self-reliance Initiative, calls for 12 percent of the total tribal-state revenue sharing to be distributed to cities, towns and counties to encourage local economic development. As a result, tribes and their neighboring local governments [cities, towns and counties] would have to adopt policies to share revenues and work to improve intergovernmental relations. What would be the best approach to develop intergovernmental relations among local communities?

Participants did not reach a consensus on questions 4-7; some felt that these questions had already been determined by individual tribes, while others believed that these questions should be addressed by the participants.

Participants feel that tribes, cities and counties should engage in an education process with each other. One group recommended a "meet your city, meet your tribe" program, where non-Indian communities can educate themselves as to why Indian communities exist and the meaning of sovereignty.

Also, participants recommend that tribal communities continue to learn more about their surrounding communities as an ongoing process. Indian and non-Indian communities can thus identify common ground, recognize and break down barriers and open communications channels. Participants recommend that tribal and local leadership meet on a regular basis.

Participants suggest that such activities as dialogue, intergovernmental agreements (IGA), regional meetings and councils, and technical advisory councils could be utilized by tribes to determine distribution of the funds. However, participants also recommend that accountability methods be implemented to determine if fund recipients are using these funds in a way that best benefit local communities.

Participants stress that tribes can best determine how to distribute these local economic development monies.

QUESTION 5

As a result of Prop, 202, tribes are now determining what methods to use in distributing funds to cities, towns and counties. Should distribution of funds be handled on an individual (tribal) case-by-case basis or through a central clearinghouse? What are the pro and cons for tribes to distribute funds independently or locally? What are the pros and cons for tribes to distribute funds through a central clearinghouse?

Participants feel that both individual and central clearinghouse-type distribu-

tions be considered by tribes. Distributions should be made on a case-by-case basis. Most participants feel that funds should be distributed to businesses or governmental entities that impact or serve tribal members.

Many participants wish to find ways to minimize bureaucracy while maintaining accountability over the use of these funds by the recipients. Some participants are also concerned that rural areas would lose out if a centralized agency were in charge of disbursements. In any case, the Indian Town Hall recommends that tribes need to maintain control over where the funding goes.

QUESTION 6

What are some issues or concerns that tribes would like to see addressed prior to the distribution of revenue sharing? To what extent, if any, can tribes share in the benefits of local economic development projects? What can tribes and cities do to assure equal employment opportunities for tribal members in newly created jobs in border town communities? Can tribes encourage cities and towns to develop business incubators and request to reserve offices for tribal business owners? How can cities, towns and counties use revenue sharing to assist tribal communities to access other state and federal technical assistance programs and funding?

Participants feel strongly that accountability be a priority of revenue sharing. Consultation should be a part of the process. Indian Town Hall participants recommend that tribal governments negotiate with cities, towns, and counties on the use of funding for education, skill development, on the job training, health and prevention and services for both tribal members and the communities with which the tribe is negotiating. Non-Indian counties should have Native American representation and participation in the disbursement of funds in that county. Local control continues to be a priority of Indian Town Hall participants.

QUESTION 7

What are cities, towns, and counties doing to prepare for revenue sharing and what will be their priorities? Who will determine the priorities—the greater economic councils, councils of governments, others? Will donor tribes have the opportunity to nominate or elect tribal members to serve on these local boards or councils? What should these forums reflect to assure effective consultation and ongoing dialogue between tribes and local governments?

Participants note that no city or county officials or employees attended the Indian Town Hall. However, participants feel that tribes should determine the priorities for distribution. Donor tribes should appoint tribal members to serve on any local boards or councils that assist in determining distribution. Collaboration should govern effective consultation and ongoing dialogue between tribes and local governments. One participant noted that, similar to how other taxpayers feel about governmental revenues, "it's our money that we're contributing, and we want to have a say in where it goes."

PANEL DISCUSSION 2—Health and Welfare

QUESTION 1

How effectively do the tribes and state work together to assure seamless health care for tribal community members? How could the state work with Indian Health Service to provide this care?

Participants feel that tribal health care in Arizona is fragmented. Collaboration between the tribes and state varies. However, participants note that improvements have been made and continue to be made.

Indian Town Hall participants note that there is often a lack of communication between the two in services, education and programs. Participants recognize that there are actually four main players involved in Indian Health care: Indian Health Service (IHS), tribes and state health departments, and private sector health providers. (2) Participants feel that tribes want to have the best of both worlds, the public and private sides of health care.

There are opportunities to establish relationships between tribes and private entities to enhance health services, yet few tribes have taken advantage of this. Indian Town Hall participants recommend that tribes look ten years down the road to address tribal health issues in a life-long approach: from before birth to elder services. Many participants are very concerned that elders are "shipped off" to nursing homes off the reservation due to the severe lack of long-term care facilities.

Relationships between tribes and Arizona Health Care Cost Containment System (AHCCCS) are improving; however, Indian Town Hall participants recommend that strong relationships be developed between the tribes and other state entities, private foundations and universities to develop and build trust and develop partnerships.

Urban Indian populations suffer due to limited funding, which diminishes their services and benefits. Due to this limited funding, participants recommend that tribes take more responsibility for members living off reservations. Also, state and federal agencies should provide more accessibility to additional resources, awareness, data and technical assistance for health care services. This can help be accomplished through equal distribution of third party program funding and tribal revenue sharing plans. The Indian Health Care Improvement Act (IHCA) reauthorization would expand third-party billing, and the Indian Town Hall strongly recommends that IHCA reauthorization legislation be passed.

(2) Several tribes that have the financial resources are self-insured and deal almost exclusively with the private sector.

Nursing homes are limited both in urban and reservation communities. There is also a shortage of nurses nationwide, and participants recommend that tribes take the lead in identifying, training and educating tribal members to enter nursing and other health care careers. Participants recommend that tribes hold the federal and state governments accountable for providing same quality health services that non-Indian communities have. (3)

Participants strongly recommend that tribes exert self-determination by taking ownership of their community members' health, and provide leadership for their care. Tribes that do not already have health plans should develop and implement a health plan to meet their unique needs. Participants recommend that tribal communities look beyond Indian Health Service (IHS) by identifying alternative health care systems to supplement IHS.

Indian Town Hall also recommends providing intergenerational programs for elders and moving them closer to home. They also recommend that tribes' cultural differences be recognized and understood by health care workers. The participants recommend that tribes begin formulating and implementing creative, innovative methods to manage/operate our programs, thus helping to solve health care problems within our tribes.

Some participants also note that IHS is managed by the commissioned corps of the Public Health Service. (4) As these officers must follow the chain of command in a military setting, the Indian Town Hall feels that this creates a barrier to collaboration between the tribes, IHS and the state. This fact also creates difficulties in collaborating to seek increased funding.

In fact, IHS is chronically underfunded; in 2001, IHS per capita expenditure for Indians was \$1,776, yet the average non-Indian per capita spending was \$4,392. (5) However, only 56 percent of American Indians and Alaska Natives have access to IHS services. (6)

Participants recommend that the tribes and state collaborate in lobbying the federal government for adequate funding for IHS.

QUESTION 2

Five tribes currently manage their own Temporary Assistance to Needy Families (TANF) programs. Do you think that the state is treating these tribes fairly

- (3) Arizona is currently addressing these concerns through workforce development and other means of attracting, training and retaining health care workers.
- (4) The commissioned corps is a military-like service, and that providers in this commissioned corps must follow the same chain of command as other military organizations.
- (5) Indian Health Service, "Troubling Disparities-Unequal Health Care," October 2002.
- (6) Indian Health Service, "Disparities in Health Insurance Coverage for Americans and Alaska Natives," May 2002.

as to funding, maintenance of operations funding, information/data sharing and/or other collaboration? Why or why not? How can this collaboration be enhanced? How could the tribes and the state collaborate on obtaining more funding from the U.S. Congress?

Participants recognize that TANF's intent was to enable people to leave welfare, return to work, become self-reliant and self sufficient, and to be free of handouts, resulting in the restoration of pride in self and culture. However, participants feel that traditional cultural values of self-sufficiency, hard work and industriousness have been under attack by the present system of a money-based economy, which has contributed to the erosion of these traditional values. As a result, some families are challenged in preparing their children for self-sufficiency in adulthood.

Indian Town Hall also notes that the five tribes that manage their own Temporary Assistance For Needy Families (TANF) programs (7) are challenged to meet their tribal clients' cash assistance needs due to federal limitations. When the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) was enacted tribes were given the opportunity to operate TANF programs. However, under PRWORA tribes who do take over TANF programs are not provided start up funding from the federal government to plan program implementation, design management information systems to track tribal TANF clients, build/renovate offices, or provide economic development grants to jump start tribal economies to meet the federally mandated workforce participation requirements of tribal TANF clients.

Also under PRWORA, states are not required to provide matching administrative funding to TANF tribes. The administrative funding, known as Maintenance of Effort (MOE) funds, is provided at the discretion of each state. (8) Also under PRWORA, tribes also are not eligible to receive performance bonuses, such as states enjoy.

Indian Town Hall recommends that the federal process for tribes to apply for TANF block grants needs be revisited through the welfare reform reauthorization process; participants also recommend that states assist tribes with the process.

Participants note that the lack of an economic development infrastructure within tribes contributes to a lack of jobs. Moreover, when jobs are available, recipients often lack transportation options that would allow them to retain employment. Indian Town Hall recommends that tribes continue with economic and community development that will allow tribal TANF recipients to achieve self-sufficiency by becoming employed. Participants also recommend that the

- (7) Hopi, Navajo, Pascua Yaqui, Salt River Pima-Maricopa Indian Community and White Mountain Apache tribes currently operate their own TANF programs.
- (8) Arizona is one of a few states that does provide the maximum amount of MOE funds (states can provide 15% or 20% in administrative funds to tribal TANF programs. Arizona supports TANF tribes with a 20% match of their tribal TANF block grant.

state should work with tribes to develop jobs in reservation communities or in border towns, to help move tribal TANF recipients into the workforce. Participants stress that regional transportation systems be developed through collaboration between tribal, state and local entities. Participants suggest that Proposition 202 monies designated for local community distributions might be used to help develop public and private transportation to enable more community members to obtain and retain employment.

The Indian Town Hall recommends that tribes lobby to receive the same funding options as states currently enjoy, whether through an intergovernmental agreement (IGA) or through changing legislation in Congress.

QUESTION 3

The Bush administration is proposing block grants for Medicaid funding similar to TANF block grants. How can tribes work with the state in obtaining health care dollars for tribal health care programs?

Participants recommend that tribes educate themselves on the process of applying directly for Medicaid grants and the rules, policies and procedures for obtaining and retaining these programs before considering taking on a Medicaid program.

QUESTION 4

Virtually all children in tribal foster care programs are eligible for AHCCCS because they meet the income requirements; yet, few are enrolled due to barriers in the process. What are some of the barriers in the process? How can the tribes and the state formulate a process that enables tribes to enroll all foster care children in AHCCCS?

Participants note that tribal foster care parents need to be made aware that their children may be eligible for AHCCCS. Each tribe should take responsibility for themselves and provide education on the application process. Participants also recommend that tribal foster care parents be provided with application materials and training in the paperwork and process required for AHCCCS enrollment.

Participants recommend that electronic linkages be implemented to enroll tribal foster care children in AHCCCS similar to the current system used by the state's child protection system. These electronic linkages will expedite the application process for child welfare programs operated by tribes, thus tribal foster children will access health services in a timely fashion.

QUESTION 5

How can individuals affect changes in the health care system? What role do tribal leaders, tribal, state and county health directors, individual community

members, and/or private health agency workers play in changing public health systems and developing partnerships between governmental health departments?

The Indian Town Hall strongly recommends that individuals and tribal communities take responsibility for enhancing their own health, as well as their families and communities. Each tribe should have a comprehensive health plan, which includes communication between the tribe, state and local community, and tailored to each community's unique needs. Participants recommend that the panoply of health care providers should create partnerships, using IGAs to provide integrated services to tribal communities. Also, participants recommend that tribes examine the alternatives offered by private health entities in helping fund and develop health care systems.

Tribes should also be aware of their urban populations and advocate for them; conversely, urban Indians, entities and individuals in urban communities also should advocate for their tribes.

Participants recommend that tribes and families take responsibility for their health by becoming smarter health consumers, educating themselves on healthy lifestyles and learning about their traditional cultural values, which can help them remain healthy and prevent diseases.

PANEL DISCUSSION 3—Jurisdictional Issues

QUESTION 1

How effectively do you think that the state and tribes have been in coordinating jurisdictional issues? Do you think that jurisdictional issues are a priority? Why or why not? What barriers exist to managing jurisdictional issues?

The Indian Town Hall recognizes that the degree of coordination and collaboration varies greatly from tribe to tribe; while some have effective agreements and interaction with their neighbors, others have little or no communication.

Participants feel that many tribal, state and local entities tend to avoid jurisdictional interaction as a rule. They feel that tribal, state and governments lack the expertise to deal with the other's jurisdiction, and consequently tend to shy away from the whole issue. Participants believe that tribes perceive that they have to expend more effort, in a sense catering to the state, in matters of jurisdiction.

Participants note that there is ineffective coordination of state/tribal jurisdictional issues. They feel that line staff and administrators do a better job of coordinating jurisdictional issues than do the leaders. This lack of communication and understanding of the issues contributes in large part to jurisdictional discord, say participants.

The Indian Town Hall recommends that tribes invest in their tribal courts by in-

stalling qualified and educated personnel, including judges, and establish a system that can be recognized by state and county officials. Participants note that tribal sovereignty plays a vital role in the distinction and articulation of jurisdiction. Participants recommend that law enforcement entities on both sides of the reservation border establish policies, recognize and understand boundaries, coordinate and collaborate with each another, and utilize tribal courts to the fullest extent possible. Indian Town Hall strongly stresses that communication within and between law enforcement entities is essential due to their common interests.

QUESTION 2

Currently, if a state of emergency (such as a drought emergency or other natural disaster) is declared by the governor or U.S. president, a tribe must still work through one or more county governments to obtain services. How can the tribes, state and counties work together to improve on this system? How can a tribe's declaration of an emergency be honored by the state and the federal government?

The Indian Town Hall recommends that tribes educate themselves on the state's existing emergency response system and on other currently available resources. Tribes should develop homeland security commissions and emergency response commissions [for those tribes that do not already have them], and begin planning ahead for possible emergencies on a proactive instead of a reactive basis. Participants recommend that state and federal governments collaborate and render assistance in these efforts.

In working with other governmental entities, tribes should make them aware of cultural issues specific to that tribe and how to handle these issues.

Participants note that tribes should be able to tap federal emergency funding directly, as opposed to the current system of going to county governments for emergency assistance funding. Indian Town Hall recommends that tribal emergency policies include developing and maintaining relationships with local public schools, counties and local agencies. These coordinated efforts will enable tribes to maintain communication efforts and enhance long-standing intergovernmental relationships. Participants recommend that tribes develop processes to declare a state of emergency [for those tribes that do not already have such processes in place]. Indian Town Hall recommends that state and local agencies honor and accommodate these declarations, due to the sovereignty status of each tribe. Federal funding should be made available immediately when tribes declare a state of emergency.

Participants recommend that a future Governor's Summit on Tribal Issues deal with emergency management issues.

QUESTION 3

What methods can be used to help Indian and non-Indian law enforcement

agencies to work together? What about cross-deputization of officers, intergovernmental agreements governing law enforcement jurisdictions, or developing language to give tribes more jurisdiction to enforce laws on tribal lands?

Indian Town Hall participants stress that education for law enforcement agencies is vital to enable joint law enforcement efforts and increase collaboration and understanding in communities. For example, outside law enforcement officers could be educated on how diabetics can appear to be impaired when in fact they are suffering from an insulin reaction; epileptics and individuals with multiple sclerosis can also be misidentified as being impaired by law enforcement without the proper training to recognize these conditions.

Participants recommend that all participating law enforcement agencies establish and maintain memoranda of understanding (MOU) and IGAs with neighboring law enforcement entities to facilitate the enforcement of criminal or federal policies, and to provide law enforcement services by both parties. Cross-deputization is an important element in apprehending suspects and assisting with the detection of criminal activity by neighboring law enforcement agencies. However, participants note that such IGAs or MOUs need to provide for specific, limited duties on the part of the law enforcement officers.

QUESTION 4

How might recent Supreme Court decisions such as Nevada v. Hicks and Inyo County v. Paiute-Shoshone Indians affect tribal-state jurisdiction in Arizona? Are there any agreements in place that respect tribal sovereignty in the areas of search warrants by off-reservation officers, custody of minor children, child support or other areas where tribal and state governments intersect? How can the tribes and state work together to encourage Congress to ensure the sovereign status of tribal courts? How can the tribes and state work together to further strengthen any existing intergovernmental cooperation in the field of law enforcement?

Participants note that Arizona currently supports the sovereignty of tribes. They also feel that this is a state-by-state issue. However, participants caution that our current governor and attorney general won't be in office forever; therefore, IGAs need to be implemented, reviewed and renegotiated periodically. Participants also note that tribes should be proactive in the use of IGAs so as to avoid taking issues to the courts.

Indian Town Hall stress that tribes should be vigilant at all levels of the district and circuit court levels; courts should not legislate from the bench but uphold rather than interpret the laws. Participants feel that this will assist and foster legislation in the future. Tribes should be pro-active, and establish policies for child welfare and other issues that could possibly extend to other jurisdictions. Participants also stress that people need to understand that Arizona is not a Public Law 280 state as opposed to California; therefore tribes have a stronger basis to maintain sovereignty. (9)

QUESTION 5

How can the Arizona Commission of Indian Affairs (ACIA) improve its services of facilitating and maintaining tribal-state relations? How could ACIA be more effective in bringing together tribal, state and local governments, during the Town Hall or at other times? How can tribes benefit from ACIA's work in the field of economic development, health, and welfare, and intergovernmental relations? During the recent legislative session, the Legislature proposed a "zero-based" budget for ACIA. A few tribes and several tribal community members did express their concerns, and some did contact the legislature and Governor; however, not all the tribes responded. Does this mean that ACIA is not really important to tribes? If no, give your reasons why. If yes, how can tribes better support ACIA to maintain its position as a funded state agency? This year, some members of the State Legislature had proposed to fund ACIA from the Arizona Department of Gaming. What is your view of this proposal? As an alternative, can tribes voluntarily support ACIA with funding? Why or why not?

Participants vary in their perceptions of the Arizona Commission of Indian Affairs (ACIA). Most felt that ACIA fulfills a vital role. Indian Town Hall stresses that the existence of ACIA is evidence of the state's commitment to tribal-state relations, and has been for 50 years. Indeed, participants note that other Indian commissions were modeled on Arizona's Commission. Participants strongly caution that any move to remove this agency would be a huge step backwards for Arizona.

However, participants note that ACIA needs to increase its education and outreach services. They feel that ACIA should come out to the tribes rather than the tribes coming to ACIA. Participants recommend that ACIA's budget be increased to enable the agency to implement an outreach program to the tribal governments.

Participants feel that ACIA needs to raise its visibility in tribal communities. ACIA also needs to continue to reach out to other Indian organizations, and to enhance and strengthen its ties with organizations with which it is currently working.

Participants note that ACIA may not be able to function in the same manner if it did not receive money from the state. They feel that the state should continue to fund the agency, to demonstrate the state's commitment to enhancing tribal-state relations.

(9) Public Law 280, enacted in 1953, enabled states to assume jurisdiction for law enforcement and other areas on Indian reservations and rancherias. Six states, Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin were mandated to assume jurisdiction. Other states, such as Nevada, South Dakota, Washington, Florida, Idaho, Montana, North Dakota, Arizona, Iowa, and Utah were given the option to assume jurisdiction; these states did assume some jurisdiction, but not to the full extent of the law. In 1968, the law was amended to require that tribes give their consent to state assumption of jurisdiction.

Participants also recommend that ACIA update its strategic plan with tribal input, and implement a marketing plan to raise awareness of ACIA's mandated activities and services to tribal communities.

Participants recommend that ACIA give a report on its activities and successes at the beginning of each Indian Town Hall.

CONCLUSION

The 23rd Arizona Indian Town Hall overwhelmingly supports formalization of relations between the 22 Indian Tribes/Nations and the State of Arizona. To achieve this lofty goal, however, more groundwork must be laid out. The tribal, state and local entities should learn more about each other and the contributions made by tribal economies to surrounding communities to identify common ground and break down long-standing barriers to effective communications.

Tribes should establish their own standards for the establishment and operation of businesses. Tribes should also be in control of any disbursements made under the Prop. 202 revenue sharing plan.

Tribal communities should take charge of their members' health needs. At the same time, the state, tribes and private entities should collaborate more fully to better serve the needs of their shared constituencies, while avoiding waste and duplication.

Jurisdictional disputes could and should be avoided by crafting agreements before crises occur. Law enforcement entities from both sides of the reservation border should be authorized to act interdependently in case of emergencies or attacks to our heartland. Tribes should continue to build strong, independent judiciaries and tribal codes that give industry the confidence to do business on reservations.

Tribes should have the authority to declare states of emergency and/or disaster, and the state and counties should develop policies to work more closely with tribes during emergencies. The Governor should have a future tribal issues summit on emergency management.

Participants also agree that ACIA plays a vital role in promoting better understanding between the tribes and the state; however, ACIA also needs to become more visible in the community, as many participants still are not aware of the role the Commission continues to play in facilitating better intergovernmental relations.

Through its past successes in bringing together tribal leaders and community members and state officials, the Arizona Commission of Indian Affairs has blazed a new trail that will eventually become an "information superhighway" to formalized intergovernmental relations; however, it remains to the tribes and state to widen the path and pave the road.

Keynote Speech Rep. Jack Jackson, Jr., District 2

The 23rd Arizona Indian Town Hall will tackle possibly its most important subject: the creation of policy for formalizing and institutionalizing tribal-state relations.

The goal this week is for tribal, state, federal, local and private sector representatives to discuss and make recommendations on how to best develop lasting policies that will ensure tribal-state collaboration in intergovernmental affairs while respecting the inherent sovereignty of Indian Tribes and Nations.

You will be looking at critical issues for both state and tribal governments such as economic development, education and jurisdiction in these efforts.

These efforts are especially critical as many states and tribes are confronted by limited budgets that must be used efficiently, yet providing comprehensive services to their citizens.

Tribes and states have a great deal in common because they share one very unique and fundamental attribute: THEY ARE BOTH SOVEREIGN GOVERNMENTS.

This fact should be better understood. However, far too many people don't know that the Constitution also recognizes the sovereignty of Indian tribes.

The reason for this is found in our history. The history of Indian people is a dark history that we all inherited; but it is something we all need to better understand.

Indian tribes, however, have not disappeared as so many thought we would. Today, over 2 million Indian people continue to raise their children, teaching them our traditions and languages, and fighting to maintain our sovereignty and our lands.

And despite decades of destructive federal Indian policies, tribes have succeeded in their struggle to survive by establishing the federal policy of tribal self-determination that was created in 1970 by President Nixon and has been endorsed by every succeeding U.S. President including President Bush.

Why are we doing this? Why did our parents and grandparents and all the great tribal leaders work so hard to reestablish tribal sovereignty?

It is because tribal self-government is critical for us to maintain our cultures and our viability as distinct groups of people.

Today, states and tribes have a great deal of common ground, resulting mostly by the increased decentralization or devolution of federal programs.

Over the past decade, federal devolution policy has provided a powerful incentive for developing and implementing formal policies governing interaction between sovereign tribal and state governments in a variety of activities.

Throughout the country, tribes and states have engaged in formalizing policies for intergovernmental interaction in order to ensure that services are efficiently provided to all citizens, inside and outside of reservation boundaries, and in minimizing service overlap.

Here in Arizona, the state has signed dozens of intergovernmental agreements with tribes directly, and provides federal pass-through dollars to both tribes and tribally-affiliated organizations such as the Inter Tribal Council of Arizona and the Native American Community Health Center.

However, the lack of a cohesive intergovernmental policy has created many different agency directives and policies, resulting in some cases with no effective policy.

There are many issues that remain to be resolved before any comprehensive policy can be established. The most critical is a **better understanding of tribal sovereignty**.

A clear definition of sovereignty will help pave the way for mutual understanding and respect for tribal, state and local governments.

The Arizona Commission of Indian Affairs should be commended for its continual push for a consistent tribal-state relations policy that provides both the framework for development of intergovernmental interaction policies and respects the sovereignty and diversity of tribal governments.

Other states have already recognized the need to institutionalize intergovernmental policies.

In Washington, the State Legislature has enacted the Centennial Accords which governs tribal interaction by major state agencies.

In Montana, Representative Jonathon Windy Boy introduced legislation which would formalize tribal consultation in the development of state agency policies that directly affect Indian tribes, mandate quarterly meet-

ings between tribal and state officials, and training of state employees on reservations and tribal governments.

New Mexico, unlike this state, has the nation's best-funded and staffed Indian Affairs Commission. However like Arizona, several Native Americans serve in Governor Bill Richardson's cabinet and office.

Here in Arizona, Senator Jack Jackson has worked over the years to formalize and institutionalize the relationship between tribes and the state.

In 2001, the Legislature enacted Senator Jackson's legislation establishing a Joint Legislative Study Committee on the Relationship between the Navajo Nation and the State of Arizona. A Final Report was released last December highlighting many issues remaining to be resolved before any formal tribal-state relations can be established.

This year, Senator Jackson, Representative Laughter and I introduced SB 1202 which would create a legislative study committee charged with examining the best means to institutionalize tribal-state interaction. Unfortunately, the bill failed to be heard in the House Appropriations Committee after passing the Senate.

So here in Arizona, the question of how best to formalize tribal-state relations remains. That is what makes this gathering this week that much more important.

Those of us who are seeking a formal relationship between Arizona and its Indian tribes believe that this link will benefit all citizens, make the best possible use of scarce resources, avoid much of the duplicated services and misunderstandings that have occurred in the past, and will enable Arizona to move closer to realizing its vast potential.

However, there are many in our current State Legislature who don't have this vision. In the current budget proposal, Arizona tribes will lose \$18 million in state funding.

Fortunately we have a Governor who envisions and has begun to implement a new model for tribal-state relations in Arizona.

Governor Napolitano understands tribal sovereignty and the implications for the critical government-to-government relationship between tribal governments and the State of Arizona.

She is committed to effective and meaningful dialogue between tribal governments and the state of Arizona and understands that this is a crucial component to a viable policy.

The Governor has initiated a number of efforts to ensure tribal issues are addressed promptly and comprehensively and to ensure tribal leaders recognize that they have access to the Governor's Office as well as state agencies.

Many of you know, Myra Parker is the Governor's full-time policy advisor for tribal affairs. This position is a first in Arizona government history. Under previous administrations, the policy advisor for tribal affairs was not devoted to tribal issues on a full-time basis.

Having the opportunity to work with Myra, I know that she is committed to ensuring state and tribal government communication is strengthened and enhanced.

Her responsibilities include: the immediate exchange of all information concerning state initiatives that affect tribes and meeting with state department tribal liaisons on a monthly basis to ensure communication concerning tribal affairs across all departments.

For those who don't know, there are currently seven tribal liaisons in the Departments of Health Services; Transportation; Economic Security; Tourism; Environmental Quality; Education; and AHCCCS.

The Governor is also committed to visit each tribal community in Arizona before the end of her first year in office.

In April, I had the opportunity to travel with the Governor to Window Rock where the Governor met with Pres. Shirley, the Navajo Tribal Council, and kids attending the Window Rock Elementary School. The Navajo Code-Talker bill was also signed into law while we were in Window Rock.

To date, Governor Napolitano has met with the elected leaders from nine tribes.

The Governor is also committed to meeting personally with tribal leaders on a quarterly basis.

On March 24, 2003 the Governor held the first tribal summit at the Grand Canyon where she discussed with tribal leaders concerns regarding on water and education.

These tribal summits provide an opportunity for elected leaders from the tribes and the Governor to dialogue directly on issues of mutual concern. The second quarterly meeting will be held on June 30, 2003 at the Hon-Dah Resort and will cover health issues.

In her commitment to ensuring diverse and comprehensive representation on state boards and commissions, the Governor has appointed 14 Native Americans.

Governor Napolitano has issued two critical Executive Orders concerning Native Americans and tribes in Arizona. One Executive Order (2003-9) ensures solicitation by state agencies of bids from minority-owned businesses; the other (2003-16) provides for a declaration of a state of emergency for Arizona's forests, including those located on tribal lands.

Additionally, tribal governments are included in the planning and implementation process of the Governors Homeland Security Plan.

Governor Napolitano opposes budget cuts to education and healthcare in Arizona. The proposed legislative cuts would disproportionately impact tribes in Arizona and services utilized by American Indians in Arizona. The Governor is working to ensure tribal concerns regarding education and healthcare are met.

Governor Napolitano supports tribal efforts to improve conditions on the reservations in Arizona. The Governor has provided letters of support for tribal initiatives on several issues, including water rights negotiations with the Department of the Interior and appropriations for infrastructure development.

As you can see, in her first 150 days, the Governor has done a lot to strengthen and foster the relationship between Arizona tribes and the State.

I believe that in the long run, this relationship will be fortified by the Governor's recognition of Army Specialist Lori Plestewa's sacrifice for our country during the war in Iraq.

Her bold move to address a long standing insult to Indian women by advocating for the name of Squaw Peak to be changed to Plestewa Peak is highly commendable. This memorial to the first Native American women to be killed while serving in the U.S. Military will endure in Arizona and inspire future generations.

And lastly, the protection of tribal sovereignty in the judicial arena has been furthered by our own Attorney General Terry Goddard who joined four other Attorney Generals in an amicus brief in favor of tribal sovereignty.

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THE ARIZONA COMMISSION OF INDIAN AFFAIRS

Our Mission: "Build partnerships to enhance intergovernmental partnerships, social and economic prosperity for the 21 Indian Tribes/Nations of Arizona."

The Arizona State Legislature established the Arizona Commission of Indian Affairs (ACIA) in 1953 to "consider and study conditions among the Indians residing within the state." The Legislature changed this mission in 1986, by requiring ACIA to serve as the State's liaison with Indian tribes. Arizona Revised Statutes 41-541 to 545 charge ACIA with:

- 1 assembling and disseminating available facts needed by tribal, state and federal agencies to work together effectively;
- 2 assisting the state in its responsibilities to the tribes by making recommendations to the governor and the legislature;
- 3 conferring and coordinating with officials and agencies of other governmental units and legislative committees regarding Indian needs and goals;
- 4 working for greater understanding and improved relationships between Indians and non-Indians by creating an awareness of the legal, social and economic needs of Indians in this state;
- 5 promoting increased participation by Indians in local and state affairs;
- 6 assisting tribal groups in developing increasingly effective methods of self-government; and
- 7 assisting urban Indians.

In 2001, the 45th Legislature granted ACIA a full ten-year reauthorization, with the mission of coordinating frequent, structured, government-to-government communication between the state and tribes so that jurisdictional and other important issues can be discussed and resolved.

ACIA accomplishes its mission by conducting the Arizona Indian Town Hall, providing training on the legislative process, facilitating Indian Nations and Tribes legislative Day, facilitating workshops and meetings between tribal and state stakeholders, publishing a Resource Directory and Newsletter, maintaining a Web site, tracking legislative bills, and other similar activities.

The Commission consists of nine board members, including seven Indian and two non-Indian members appointed by the Governor. Eight ex-officio members serve by virtue of their office, including the Governor, Attorney General, Superintendent of Public Instruction and the directors of the Department of Health Services, Transportation, Economic Security, Department of Commerce, and the Office of Tourism, or their representatives. The Commission meets on a quarterly basis on the second Thursday of the first month of each quarter (Jan., April, July, Oct.) and may hold additional meetings upon the call of the Chairman.

Staff members include an Executive Director appointed by the Governor, a Project Specialist and an Administrative Secretary.

FMI: see our Web site at www.Indianaffairs.state.az.us.

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