



ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES

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ADWM TRIBAL GOVERNMENT CONSULTATION POLICY

Level One: Arizona Department of Weights and Measures
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PURPOSE

This policy establishes the basic principles governing the Arizona Department of Weights and Measures' (ADWM) relations with Tribal governments in the State of Arizona.

INTRODUCTION

ADWM is charged with licensing and examining weighing, measuring, and counting devices used commercially, checking the net contents of packaged goods, accuracy of scanners, posting of prices, fuel quality, and Stage II vapor recovery systems in the State of Arizona. However, there are Tribal governments within the State of Arizona that have jurisdiction over a significant portion of the land base. The Department, the Navajo Nation and the Hopi Tribe have interacted in order to ensure that equity in the Arizona marketplace be maintained and agree that inequity is not restricted by political boundaries. As a result, ADWM and these Tribal governments have exhibited a practical interest in assuring that the consumer is getting what they pay for, there is a level playing field for industry and that both are effectively regulated throughout Arizona.

Coordination of efforts on weights and measures programs could provide a model and a practical basis for overall State-Tribal cooperation. It is primarily through specific program-level interactions that mutual trust and understanding are developed. There is no Federal weights and measures entity to assist in funding the development of state weights and measures programs. As a result, no funding exists for State assistance to Tribal weights and measures programs and regulatory capabilities. ADWM believes that the following policy will encourage the development of Tribal interaction with the department.

POLICY

ADWM recognizes the sovereignty of Tribal governments and their jurisdiction over Tribal lands. ADWM supports the strengthening of Tribal weights and measures programs and regulation. ADWM's support to Tribes will be provided in the interest of the State and will not be used as the basis for assertion of State authority within Indian Country.

ADWM is committed to developing cooperative relationships with Tribal Governments regarding the weights and measures concerns of Tribal Governments. Without Tribal consent, ADWM will not license or examine weighing or measuring devices operated in Indian Country and owned by a tribal member. ADWM will pattern agreements with Tribal Governments after the Intergovernmental Agreement (IAG) with the Navajo Nation effective March 1, 2001.

RESPONSIBILITY

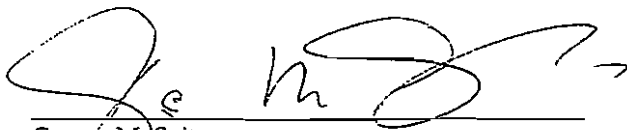
Responsibility for the enforcement of this policy lies with the Office of the Director and the Department Management Team.

PROCEDURES

1. ADWM will assist Tribal governments to develop weights and measures programs by providing technical assistance, sharing data, conducting joint Tribal-Department projects, and cooperatively resolving weights and measures issues to the extent resources allow.
2. ADWM will not conduct any activities within Indian Country without first receiving an invitation from the appropriate Tribal official.
3. ADWM will enter into IGA or Memoranda of Understanding (MOU) when considered mutually appropriate by ADWM and an interested Tribal Government.
4. ADWM will work cooperatively with interested Tribes to develop State and Tribal capacity so that each Tribe, within its jurisdiction, can assume full responsibility for weights and measures programs.
5. ADWM will conduct training, when appropriate and as resources allow, encouraging and improving Departmental/Tribal understanding and communication.
6. ADWM will provide early notification to Tribes about decisions that may affect them. ADWM requests reciprocity by Tribes.
7. ADWM will not attempt to impose state weights and measures fees or penalties on Tribes or Tribal entities that operate solely within Tribal reservation boundaries.
8. ADWM will open its training programs to Tribal officials and Tribal staff whenever possible.
9. ADWM will share appropriate technical information and data with Tribes. ADWM requests that Tribes share appropriate technical data with ADWM as well.
10. ADWM staff will relay Tribal issues, including requests from Tribes for technical assistance, to the appropriate manager as quickly as possible.
11. ADWM staff will obtain approval from the director before initiating contacts with Tribes. This does not apply to referral of complaints to the Tribes or contact on ongoing issues previously approved by the directors.

APPROVED BY:

Arizona Department of Weights and Measures:



George M. Seitts
Director

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