

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 8, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 404**

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**Introduced by Assembly Member Gatto  
(Coauthor: Assembly Member Galgiani)**

**(Coauthors: Assembly Members Chesbro, Galgiani, and V. Manuel  
Pérez)**

February 14, 2011

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~~An act to add Chapter 1.78 (commencing with Section 5097.1000) to Division 5 of the Public Resources Code, relating to Native Americans. An act to add Chapter 5.6 (commencing with Section 66360) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 404, as amended, Gatto. *Public postsecondary education: Native American language preservation.*

~~Existing law establishes the California Indian Heritage Center Task Force within the Department of Parks and Recreation. Existing law requires the task force to have certain duties and responsibilities including the responsibility of establishing and maintaining communication between tribes, museums, and local, state, and federal governmental agencies.~~

*Existing law establishes the California State University, under the administration of the Trustees of the California State University, as one of the segments of public postsecondary education in this state.*

This bill would ~~authorize the Governor to appoint a liaison with tribal governments and communities whose duties would include, in consultation with Native American tribes and tribal members, offering assistance with Native American language preservation. require the Trustees of the California State University to establish, at the Humbolt State University campus, a Native American Linguistic Institute, with specified duties, to preserve Native American tribal languages.~~ The bill would establish the California Native American Language Preservation Fund in the State Treasury for the acceptance of private donations, to be *administered by the California State University and* made available upon appropriation by the Legislature, to facilitate statewide efforts to preserve Native American languages. ~~The provisions establishing the fund and duties of the liaison would become operative on the date that the Office of the Governor notifies the Secretary of State that the Governor has appointed a liaison.~~ The bill would also make various findings and declarations regarding Native American language preservation.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Chapter 1.78 (commencing with Section~~  
 2     ~~5097.1000) is added to Division 5 of the Public Resources Code,~~  
 3     ~~to read:~~  
 4  
 5     ~~CHAPTER 1.78. NATIVE AMERICAN LANGUAGE PRESERVATION~~  
 6  
 7     ~~5097.1000. The Legislature finds and declares all of the~~  
 8     ~~following:~~  
 9     ~~SECTION 1. Chapter 5.6 (commencing with Section 66360)~~  
 10    ~~is added to Part 40 of Division 5 of Title 3 of the Education Code,~~  
 11    ~~to read:~~  
 12  
 13     ~~CHAPTER 5.6. NATIVE AMERICAN LANGUAGE PRESERVATION~~  
 14  
 15     ~~66360. The Legislature finds and declares all of the following:~~  
 16     ~~(a) California is the home to 109 federally recognized American~~  
 17     ~~Indian tribes, the largest number of tribal nations of any state in~~  
 18     ~~the United States.~~

1 (b) There were over 80 distinct indigenous languages spoken  
2 in California prior to contact with European culture.

3 (c) These languages represent as many as 23 distinct language  
4 families.

5 (d) Language is a crucial part of culture and history, and is  
6 essential for the transmission of both to future generations.

7 (e) The State of California recognizes that tribal nations and  
8 indigenous Californians are actively engaged in these language  
9 preservation and revitalization efforts.

10 (f) In spite of these efforts, there are still many tribes whose  
11 languages face extinction as the ~~last-remaining~~ *last remaining*  
12 tribal elders, who are fluent in these ancient languages, are dying  
13 each year.

14 (g) Part of the reason for reduced fluency in Native American  
15 languages is the previous, express policies of the state that  
16 discouraged Native Americans from speaking and learning their  
17 languages.

18 (h) The state must act to save the languages that face certain  
19 extinction before it is too late to preserve them.

20 (i) The state supports native language preservation and  
21 recognizes that preservation and revitalization of indigenous  
22 California languages is of the utmost importance to the state's  
23 heritage.

24 ~~(j) The Governor has expressed the intent to appoint a liaison  
25 within the executive branch to liaise with tribal governments and  
26 communities within California.~~

27 ~~5097.1001.~~

28 ~~66361.~~ For purposes of this chapter, the following definitions  
29 shall apply:

30 (a) "Fund" means the California Native American Language  
31 Preservation Fund established pursuant to Section ~~5097.1003.~~

32 ~~(b) "Liaison" means the person appointed by the Governor  
33 pursuant to Section 5097.1002.~~

34 ~~5097.1002.~~ (a) The Governor may appoint a liaison within the  
35 Executive branch to liaise with tribal governments and communities  
36 ~~within California.~~ 66363.

37 (b) "Institute" means the Native American Linguistic Institute  
38 established pursuant to Section 66362.

39 66362. (a) By January 1, 2013, the Trustees of the California  
40 State University shall establish, at the Humbolt State University

1 *campus, a Native American Linguistic Institute, which shall consist*  
 2 *of two employees, to preserve Native American tribal languages.*

3 (b) The ~~liaison~~ *institute* shall have the following duties:

4 (1) In consultation with Native American tribes and tribal  
 5 members, offer assistance with Native American language  
 6 preservation.

7 (2) Offer the tribes and tribal members, upon request, access to  
 8 existing resources, such as recording devices and volunteer  
 9 assistance from experts in language preservation, dictionary  
 10 creation, and linguistics.

11 (3) Encourage public and private *colleges and* universities in  
 12 California to assist the ~~liaison~~ *institute* for purposes of this chapter  
 13 by, among other things, contacting experts in the field of Native  
 14 American languages and seeking their participation.

15 (4) Identify and give a priority to *Native American* tribes and  
 16 native speakers whose languages are in the greatest danger of  
 17 extinction, considering also those who do not have the resources  
 18 necessary to undertake ~~language preservation~~ *language*  
 19 *preservation* efforts.

20 (c) (1) All works created for purposes of this section shall be  
 21 the property of the *Native American* tribes from which they  
 22 originate.

23 (2) These works may be stored at the ~~California State Indian~~  
 24 ~~Museum~~ *Humbolt State University campus*, with the permission  
 25 of the originating *Native American* tribe or tribal member.

26 ~~5097.1003.~~

27 66363. (a) The California Native American Language  
 28 Preservation Fund is hereby established in the State Treasury. The  
 29 fund shall be administered by the ~~liaison~~ *California State*  
 30 *University*.

31 (b) Upon appropriation in the annual Budget Act, moneys in  
 32 the fund shall be made available to the ~~liaison~~ *institute* for  
 33 expenditure to enable partnerships with stakeholders to facilitate  
 34 statewide efforts to preserve Native American languages with an  
 35 emphasis on languages facing extinction.

36 (c) The Treasurer may accept private donations for deposit in  
 37 the fund.

38 ~~5097.1004. Except for subdivision (a) of Section 5097.1002,~~  
 39 ~~this chapter shall become operative on the date the Office of the~~  
 40 ~~Governor provides notice to the Secretary of State that the~~

- 1 ~~Governor has appointed a liaison as described in subdivision (a)~~
- 2 ~~of Section 5097.1002.~~

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