

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 475
Department or Agency: Alabama Indian Affairs Commission
Rule No.: Chapter 475-X-1
Rule Title: Description
Intended Action: New

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer Charles Barrett Mask
Charles Barrett Mask

Date Friday, February 27, 2026

ALABAMA INDIAN AFFAIRS COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Indian Affairs Commission

RULE NO. & TITLE: Chapter 475-X-1 Description

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION:

Establishes the Procedures for the Alabama Indian Affairs Commission

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

by mail to: Charles B. Mask, Executive Director, Alabama Indian Affairs Commission
771 S. Lawrence St. Suite 106 Montgomery , AL> 36130

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, June 5, 2026

CONTACT PERSON AT AGENCY:

Charles B. Mask 334-240-0998

Charles Barrett Mask

Charles Barrett Mask

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA INDIAN AFFAIRS COMMISSION
ADMINISTRATIVE CODE

CHAPTER 475-X-1
DESCRIPTION

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475-X-1.01 Description.

1. The Alabama Indian Affairs Commission was established for the purposes of: dealing fairly and effectively with Indian affairs; bringing local, State, and federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of the State of Alabama; providing aid for Indians as needs demonstrate; assisting Indian communities in social and economic development; promoting recognition of the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to the American Indian; and, establishing appropriate procedures to provide for legal recognition of any future Indian organization who desires State recognition.

2. The Commission meets regularly to receive and share information pertinent to Alabama's State recognized tribes, and, as funds allow, provides scholarships for Indian students and grants for State-recognized tribes. As required by law, the Commission also establishes procedures for legal recognition of any future Indian organization who desires State recognition.

Author: AIAC

Statutory Authority: 41-9-708

History: New Rule: Published _____; effective _____.

475-X-1.02 Members.

1. The Alabama Indian Affairs Commission shall be composed of thirteen (13) members.

2. All members of the Commission shall reside in Alabama.

3. The members shall be:
 - a. A member of the State Senate, appointed by the Lieutenant Governor.

 - b. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.

 - c. Nine Indian representatives, representing each of the nine (9) Indian tribes, bands, or groups in the State of Alabama, appointed by the Governor upon recommendation submitted by the following tribes, bands, or groups:
 - i. The Poarch Band of Creeks of Escambia County, one (1) member.

 - ii. The MOWA Band of Choctaw Indians, one (1) member.

 - iii. The Southeastern Mvskoke Nation, Inc., formerly known as the Star Clan of Muscogee Creeks of Pike County, one (1) member.

- iv. The Echota Cherokees of Alabama Inc., one (1) member.
- v. The Cherokee Tribe of Northeast Alabama, one (1) member.
- vi. The Cher-O-Creek Intratribal Indians, identified by the Legislature as the Cherokees of southeast Alabama, one (1) member.
- vii. The Ma-Chis Lower Creek Indian Tribe of Alabama, one (1) member.
- viii. The Piqua Shawnee Tribe, previously recognized by the Commission, one (1) member.
- ix. United Cherokee Ani-Yun-Wiya Nation, previously recognized by the Commission, one (1) member.
- d. One (1) Alabama resident, appointed by the Commission, who is a member of a federally recognized Indian Tribe, band or group, but who is not a member of any tribe represented on the Commission.
- e. One (1) member at-large, appointed by the Governor, who may be an Indian or non-Indian, provided, however, that the majority of members of the Commission shall always be Indian.

4. When a vacancy occurs in the representation of one of the nine (9) Indian tribes, bands, or groups in the State of Alabama, the appropriate tribal official(s) or entities, as determined by the tribe, shall write a letter to the Governor setting out the tribe's recommendation as to whom the Governor should appoint. The tribe shall provide the original letter to the Executive Director who will transmit the letter to the Governor's office.

5. A copy of the letter from the Governor, Lieutenant Governor or Speaker of the House of Representatives shall be acceptable authority for membership to the Alabama Indian Commission.

6. Each Commissioner shall submit his/her letter of appointment from the appointing authority to the Executive Director or Chair within fifteen (15) days of his/her appointment.

Author: AIAC

Statutory Authority: 41-9-708

History: New Rule: Published _____; effective _____.

475-X-1.03 Public Records Request.

1. It is the policy of the Commission to promptly provide citizens with public records upon request, subject to their payment of reasonable fees, to applicable laws protecting sensitive information, and to the interest of the general public in having the business of government carried on efficiently and without undue interference.

2. Requests for public records may be made by citizens of the State of Alabama. See Ala. Code § 36-12-40; *McBurney v. Young*, 569 U.S. 221 (2013).

3. All requests for public records should be submitted through the following form, which appears on the

Commission's website though a link entitled "Public Records":



Create Public Records Request for Indian Affairs Commission

Our Public Records Policy

It is the policy of the Indian Affairs Commission to promptly provide citizens with public records upon request, subject to their payment of reasonable fees, to applicable laws protecting sensitive information, and to the interest of the general public in having the business of government carried on efficiently and without undue interference.

Submitting a Public Records Request

To create a new Indian Affairs Commission public records request, please fill out the form below and click [Submit Request](#).

First Name	Middle Name	Last Name
Address		
City	State	Zip Code
	AL	
Email	Phone	
	() () () () ()	

Payment of fees may be required before your request is fulfilled. I am willing to pay up to the following amount in processing fees without prior notice by the agency: \$ 00

Records requested must be as specific as possible. Requests that are overly broad may qualify as time-intensive requests and will take longer to respond to. Please refrain from including any private information in your records request description.

What To Expect

The Indian Affairs Commission strives to respond as promptly as possible to all public records requests received which are consistent with the demands of our agency's functions as determined by state law.

The nature of your request will dictate how promptly the Indian Affairs Commission responds. If your request very clearly identifies a specific, discrete document you are looking for, we will respond more quickly than if your request requires substantial staff time to process. A request will require substantial staff time to process if it requires difficulty in identifying and retrieving documents or taking measures to redact or otherwise withhold legally protected information.

In addition, the Indian Affairs Commission is permitted by state law to charge reasonable fees in connection with processing public records requests. We will notify you in advance of the fees you likely will incur as a result of your request.

Questions?

If you have questions about submitting a public records request to Indian Affairs Commission, you may contact the agency's public records coordinator at public.records@iaca.state.al.us.

4. The Commission charges reasonable fees which must be paid before any records are provided, as set forth in further detail below. Failure to pay the fee within 15 business days shall be treated as a withdrawal of the request. The requester may opt not to pay the fee and thus not receive any substantive response.

5. Standard requests seek one or more specifically and discretely identified public records that the Commission determines will take less than eight hours of staff time to process, considering the time needed to identify and retrieve any responsive records and to redact or take other measures or withhold legally protected information. Standard requests require minimal or no clarification by the requester.

6. Standard requests shall be acknowledged within two business days of receipt and the Commission shall notify the requester of any likely fees. Substantive responses fulfilling or denying the request shall generally be provided within 15 business days of acknowledging receipt. However, the Commission may extend the time to provide a substantive response in 15-day increments upon written notice to the requester while working to process the standard request as expeditiously as possible in light of the Commission's workload, the requester's time constraints (if any), and the nature of the request.

7. Fees for standard requests
 - a. Document retrieval and preparation: The Commission may charge the requester \$20.00 per hour, including a standard, minimum fee of \$20.00, for time spent locating, retrieving, and preparing records for production; the Executive Director may waive this fee if, in his or her discretion, the request was one which could be satisfied in less than one hour.

- b. Per-page fees: The fee for standard requests is \$0.50 per page produced on standard 8.5x11 paper. There is no per page fee for electronically produced records.

 - c. Actual costs: Notwithstanding the foregoing, the Commission may charge actual costs incurred while processing or responding to a public records request, for example, for a flash drive or other hardware necessary for electronically producing records, for special paper sizes, and for costs associated with searching electronic databases. In such cases, the requester will be informed of the cost in advance of being charged.

 - d. The Commission does not charge for legal review or redaction necessary to withhold legally protected information.
8. Time-intensive requests are those that the Commission determines will take more than eight hours of staff time to process, considering the time needed to identify and retrieve any responsive records - including because the request is vague or overly broad - and any time needed to redact or take other measures or withhold legally protected information.
9. Time-intensive requests shall be acknowledged within two business days of receipt. Within 15 business days of acknowledging receipt, the Commission shall notify the requester that the request qualifies as a time-intensive request. At that time, the Commission shall notify the requester of any likely fees and allow the requester to submit a new request that is not a time-sensitive request. If the requester elects to proceed with his or her time-intensive request, the Commission shall provide a substantive response fulfilling or denying the request within 45 business days after the requester elected to proceed with his or her time-intensive request. The

Commission may extend the 45-business day period in 45-business-day increments by notifying the requester in writing.

10. Fees for time-intensive requests

- a. Document retrieval and preparation: The Commission will charge the requester \$20.00 per hour, including a standard, minimum fee of \$20.00, for time spent locating, retrieving, and preparing records for production.
- b. Per-page fees: The fee for time-intensive requests is \$0.50 per page produced on standard 8.5x11 paper. There is no per page fee for electronically produced records.
- c. Actual costs: Notwithstanding the foregoing, the Commission may charge actual costs incurred while processing or responding to a public records request, for example, for a flash drive or other hardware necessary for electronically producing records, for special paper sizes, and for costs associated with searching electronic databases. In such cases, the requester will be informed of the cost in advance of being charged.
- d. The Commission does not charge for legal review or redaction necessary to withhold legally protected information.

11. Questions about submitting a public records request to the Commission may be directed to public.records@AIAC.Alabama.gov

Author: AIAC

Statutory Authority: 41-9-708

History: New Rule: Published _____; effective _____.

475-X-1.04 Petitions for the Adoption, Amendment or Repeal of Rules.

1. Any citizen of the State of Alabama may petition the Commission to adopt a new rule, to amend an existing rule, or to repeal an existing rule.

2. In the event of such a petition, the Commission will respond in accordance with Ala. Code § 41-22-8, as it may be amended from time to time, and with the Alabama Administrative Procedure Act generally, Ala. Code §§ 41-22-1 et seq.

3. Petitions to adopt a new rule, amend an existing rule, or repeal an existing rule must be in typed or handwritten legibly and must contain, at least, the following information:
 - a. A title reflecting that the petition seeks the adoption of a new rule, the amendment of an existing rule, or the repeal of an existing rule.

 - b. The petitioner's name, address, telephone number, and, if available, email address.

 - c. A statement identifying each and every rule or statute that may be involved if the relief sought in the petition is granted in whole or in part.

 - d. A clear and concise description of the new rule that the petitioner wants adopted, the amendments to an existing rule that the petitioner wants made, and/or the identity of any existing rule that the petitioner wants repealed.

- e. A clear and concise statement or narrative as to why a new rule is needed or an existing rule should be amended or repealed, specifying:
- i. The persons or class of persons who would be affected and how they would be affected, including, where available, names and contact information.
 - ii. The advantages and disadvantages of the proposal.
 - iii. The estimated cost or cost savings to the Commission.
 - iv. The reason for submitting the petition, if not apparent from the face of the petition, including full disclosure of the petitioner's interest in the proposal.
 - v. Any other reasons or explanation for why the proposal should be adopted.
 - vi. The legal authority for the proposed new rule, amendment of an existing rule, or repeal of an existing rule.
 - vii. A statement as to whether any of the issues presented by the petition are presently the subject of ongoing rulemaking by the Commission.

viii. A statement as to whether any of the issues presented by the petition are presently the subject of ongoing or threatened litigation, whether or not that litigation specifically names the Commission, its officers or employees, or the Commissioners.

ix. Any exhibits or attachments that pertain to the foregoing points.

4. Petitions to adopt a new rule, amend an existing rule, or repeal an existing rule must include a certification and signature of the petitioner before a notary public or other person authorized by law to administer oaths that the information contained in the petition is true and correct to the best of the petitioner's information and belief and further that the petition has not been filed for any improper purposes, for delay, or to harass.

Author: AIAC

Statutory Authority: 41-9-708

History: New Rule: Published _____; effective _____.