

**ALABAMA INDIAN AFFAIRS COMMISSION
ADMINISTRATIVE CODE**

**CHAPTER 475-X-1
ORGANIZATION AND ADMINISTRATION**

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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 July 31, 2026; effective September 14, 2026.

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 Affairs 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

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475-X-1.03 Public Records Request.

1. The Commission shall comply with the Alabama Open Records Act, Ala. Code §§ 36-12-40 *et seq.*, as amended.
2. A resident may request access to public records by following the written procedures for accepting such requests established by the Commission. The procedures are available by contacting the Commission's public records coordinator, including by email to public.records@AIAC.Alabama.gov
3. The form for requesting access to public records is available on the Commission's website or by contacting the

public records coordinator, including by email at public.records@AIAC.Alabama.gov.

4. The Commission charges reasonable fees which must be paid before any public records are provided. The public records coordinator will notify the requestor of the estimated fee and withhold any public records until receipt of payment. The requester may opt not to pay the fee and thus not receive any substantive response. Failure to pay the fee within 15 business days shall be treated as a withdrawal of the request. The public records coordinator shall have the discretion to require the requester to pay all or a portion of the estimated fee prior to searching for any responsive public records.
5. The Commission charges requesters \$20.00 per hour, including a standard, minimum fee of \$20.00, for time spent locating, retrieving, and preparing records for production. This fee is waived if the request is satisfied in less than one half hour.
6. The Commission charges 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. Additionally, the Commission charges per-page fees for copies. The fee is \$0.50 per page produced on standard 8.5x11 paper. There is no per page fee for electronically produced records.
7. The Commission does not charge for legal review or redaction necessary to withhold legally protected information.

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

1. Any resident 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 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

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