February 14, 2003

SENATE BILL No. 337

DIGEST OF SB 337 (Updated February 12, 2003 6:14 PM - DI 77)

Citations Affected: IC 4-4; noncode.

Synopsis: Native American affairs commission. Establishes the Native American affairs commission. Authorizes the commission to recommend final disposition of Native American human remains that have been removed from a burial site.

Effective: June 1, 2003; July 1, 2003.

Waterman, Riegsecker, Simpson

January 15, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 13, 2003, amended, reported favorably — Do Pass.

C o p y

February 14, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

C o p y

SENATE BILL No. 337

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-4-31 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 31. Native American Affairs Commission

Sec. 1. As used in this chapter, "commission" refers to the Native American affairs commission established by section 4 of this chapter.

Sec. 2. As used in this chapter, "department" refers to the department of workforce development.

Sec. 3. As used in this chapter, "Native American" means an individual who is at least one (1) of the following:

(1) An Alaska native as defined in 43 U.S.C. 1602(b).

(2) An Indian as defined in 25 U.S.C. 450b(d).

(3) A native Hawaiian as defined in 20 U.S.C. 7912(1).

(4) A person who has demonstrated membership of a tribe that:

(A) is located in Indiana;

(B) has established documented historical recognition; and
(C) is recognized for purposes of this chapter by the governor.

Sec. 4. The Native American affairs commission is established.

Sec. 5. (a) The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

(1) Six (6) Native Americans, each from a different geographic region of Indiana.

(2) Two (2) Native Americans who have knowledge in Native American traditions and spiritual issues.

(3) The commissioner of the department of correction or the commissioner's designee.

(4) The commissioner of the commission for higher education or the commissioner's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The secretary of the office of family and social services or the secretary's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The state superintendent of public instruction or the superintendent's designee.

(9) The commissioner of the department of workforce development or the commissioner's designee.

(b) The nonvoting members of the commission consist of the following:

(1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(c) The governor shall appoint each Native American member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American member to the commission, the governor shall solicit nominees from Indiana associations that represent Native Americans in the geographic region from which the member will be selected. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

C o p y

Sec. 6. The affirmative votes of at least eight (8) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

Sec. 7. (a) The department shall provide staff and administrative support for the commission.

(b) Expenses incurred under this chapter shall be paid from funds appropriated to the department.

(c) The governor shall appoint a voting member of the commission to serve as the commission's chairperson.

Sec. 8. (a) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for travel expenses as provided in IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for travel expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.

Sec. 9. The commission shall study problems common to Native American residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

(1) Health issues affecting Native American communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care.

(2) Cooperation and understanding between the Native American communities and other communities throughout Indiana.

(3) Cultural barriers to the educational system, including barriers to higher education and opportunities for financial

C o p y

aid and minority scholarships.

(4) Inaccurate information and stereotypes concerning Native Americans, including the accuracy of educational curriculum and inappropriate team mascots.

(5) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences.

(6) Programs to encourage the growth and support of Native American owned businesses.

(7) Public awareness of issues affecting the Native American communities.

(8) Issues concerning preservation and excavation of Native American historical and archeology sites, including reburial of Native Americans.

(9) Measures that could facilitate easier access to state and local government services by Native Americans.

(10) Official state recognition of tribes.

Sec. 10. The commission may not study or make recommendations on the following issues:

(1) Negotiations between a tribe and the state or federal government concerning tribal sovereignty.

(2) Gaming on tribal land.

SECTION 2. IC 14-21-1-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 25.5. (a) If a Native American burial ground is discovered, the department shall immediately provide notice to the Native American affairs commission established under IC 4-4-31.**

(b) If Native American human remains are removed from a burial ground, the department shall provide the following to the Native American affairs commission:

(1) Any written findings or reports that result from the analysis and study of the human remains.

(2) Written notice to the Native American affairs commission that the analysis and study of the human remains are complete.

(c) After receiving written notice under subsection (b)(2), the Native American affairs commission shall make recommendations to the department regarding the final disposition of the Native American human remains.

SECTION 3. [EFFECTIVE JUNE 1, 2003] **(a) As used in this**

C o p y

SECTION, "commission" refers to the Native American affairs commission established by IC 4-4-31-4, as added by this act.

(b) The governor shall make the initial appointments to the commission not later than July 1, 2003. In making an initial appointment, the governor shall indicate the length of the term for which the individual is appointed.

(c) Notwithstanding IC 4-4-31-5(c), as added by this act, the initial terms of office for the eight (8) individuals appointed to the commission by the governor are as follows:

(1) Two (2) members appointed under IC 4-4-31-5(a)(1), as added by this act, for a term of one (1) year.

(2) One (1) member appointed under IC 4-4-31-5(a)(1), as added by this act, and one (1) member appointed under IC 4-4-31-5(a)(2), as added by this act, for a term of two (2) years.

(3) Two (2) members appointed under IC 4-4-31-5(a)(1), as added by this act, for a term of three (3) years.

(4) One (1) member appointed under IC 4-4-31-5(a)(1), as added by this act, for a term of four (4) years.

(5) One (1) member appointed under IC 4-4-31-5(a)(2), as added by this act, for a term of four (4) years.

(d) The initial terms begin July 1, 2003.

(e) This SECTION expires July 1, 2007.

SECTION 4. **An emergency is declared for this act.**

C o p y

SENATE MOTION

Mr. President: I move that Senator Riegsecker be added as second author of Senate Bill 337.

WATERMAN

SENATE MOTION

Mr. President: I move that Senator Simpson be added as coauthor of Senate Bill 337.

WATERMAN

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 337, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 9, delete "commerce." and insert "**workforce development.**".

Page 1, between lines 14 and 15, begin a new line block indented and insert:

"**(4) A person who has demonstrated membership of a tribe that:**

(A) is located in Indiana;

(B) has established documented historical recognition; and

(C) is recognized for purposes of this chapter by the governor.".

Page 2, delete lines 6 through 7, begin a new line block indented and insert:

"**(3) The commissioner of the department of correction or the commissioner's designee.**".

Page 2, line 32, after "selected." insert "**Not more than one (1) member may represent the same tribe or Native American Indian organization or association.**".

Page 2, line 42, delete "lieutenant".

Page 4, delete lines 10 through 15, begin a new line block indented and insert:

"**(10) Official state recognition of tribes.**".

Page 4, line 16, delete "11." and insert "**10.**".

Page 4, line 18, delete "Any tribal sovereignty issue." and insert "**Negotiations between a tribe and the state or federal government concerning tribal sovereignty.**".

Page 4, line 19, delete "Gambling" and insert "**Gaming**".

Page 4, delete lines 20 through 42.

Page 5, delete lines 1 through 26, begin a new paragraph and insert:

"SECTION 2. IC 14-21-1-25.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 25.5. (a) If a Native American burial ground is discovered, the department shall immediately provide notice to the Native American affairs commission established under IC 4-4-31.**

(b) If Native American human remains are removed from a burial ground, the department shall provide the following to the

C o p y

Native American affairs commission:

(1) Any written findings or reports that result from the analysis and study of the human remains.

(2) Written notice to the Native American affairs commission that the analysis and study of the human remains are complete.

(c) After receiving written notice under subsection (b)(2), the Native American affairs commission shall make recommendations to the department regarding the final disposition of the Native American human remains.".

Page 6, line 4, delete "and one" and insert "**for a term of four (4) years.**

(5) One".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 337 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 2.

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