



February 20, 2004

**ENGROSSED  
SENATE BILL No. 100**

DIGEST OF SB 100 (Updated February 18, 2004 2:12 pm - DI 75)

**Citations Affected:** IC 4-4; IC 14-21; noncode.

**Synopsis:** Native American affairs commission. Establishes the Native American Indian affairs commission. Authorizes the commission to recommend final disposition of Native American Indian human remains that have been removed from a burial site. Requires the commission to study problems common to Native American Indians in the areas of employment, education, civil rights, health, and housing. Authorizes the commission to make certain recommendations. (The introduced version of this bill was prepared by the natural resources study committee.)

**Effective:** June 1, 2004; July 1, 2004.

**Waterman, Riegsecker, Nugent,  
Weatherwax, Young R**

(HOUSE SPONSORS — PELATH, BUCK, CRAWFORD)

January 6, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.  
January 15, 2004, amended, reported favorably — Do Pass.  
January 27, 2004, read second time, amended, ordered engrossed.  
January 28, 2004, engrossed.  
February 3, 2004, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 5, 2004, read first time and referred to Committee on Rules and Legislative Procedures.  
February 19, 2004, amended, reported — Do Pass; recommitted to Committee on Ways and Means.

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ES 100—LS 6424/DI 77+



February 20, 2004

Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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**ENGROSSED  
SENATE BILL No. 100**

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:*

- 1 SECTION 1. IC 4-4-32 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2004]:
- 4 **Chapter 32. Native American Indian Affairs Commission**
- 5 **Sec. 1. As used in this chapter, "commission" refers to the**
- 6 **Native American Indian affairs commission established by section**
- 7 **4 of this chapter.**
- 8 **Sec. 2. As used in this chapter, "department" refers to the**
- 9 **department of workforce development.**
- 10 **Sec. 3. As used in this chapter, "Native American Indian" means**
- 11 **an individual who is at least one (1) of the following:**
- 12 **(1) An Alaska native as defined in 43 U.S.C. 1602(b).**
- 13 **(2) An Indian as defined in 25 U.S.C. 450b(d).**
- 14 **(3) A native Hawaiian as defined in 20 U.S.C. 7912(1).**
- 15 **Sec. 4. The Native American Indian affairs commission is**
- 16 **established.**
- 17 **Sec. 5. (a) The commission consists of fifteen (15) voting**

ES 100—LS 6424/DI 77+



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members and two (2) nonvoting members. The voting members of the commission consist of the following:

- (1) Six (6) Native American Indians, each from a different geographic region of Indiana.
- (2) Two (2) Native American Indians 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 Indian 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 Indian member to the commission, the governor shall solicit nominees from Indiana associations that represent Native American Indians 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.

Sec. 6. The affirmative votes of at least eight (8) voting 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

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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. The commission shall study problems common to Native American Indian 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 Indian 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 Indian communities and other communities throughout Indiana.

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

(4) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum.

(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 Indian owned businesses.

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

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

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

Sec. 9. 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

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2004]: **Sec. 25.5. (a) If a Native American  
3 Indian burial ground is discovered, the department shall  
4 immediately provide notice to the Native American Indian affairs  
5 commission established by IC 4-4-32.**

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

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

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

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

18 SECTION 3. [EFFECTIVE JUNE 1, 2004] **(a) As used in this  
19 SECTION, "commission" refers to the Native American Indian  
20 affairs commission established by IC 4-4-32-4, as added by this act.**

21 **(b) The governor shall make the initial appointments to the  
22 commission not later than July 1, 2004. In making an initial  
23 appointment, the governor shall indicate the length of the term for  
24 which the individual is appointed.**

25 **(c) Notwithstanding IC 4-4-32-5(c), as added by this act, the  
26 initial terms of office for the eight (8) individuals appointed to the  
27 commission by the governor are as follows:**

28 **(1) Two (2) members appointed under IC 4-4-32-5(a)(1), as  
29 added by this act, for a term of one (1) year.**

30 **(2) One (1) member appointed under IC 4-4-32-5(a)(1), as  
31 added by this act, and one (1) member appointed under  
32 IC 4-4-32-5(a)(2), as added by this act, for a term of two (2)  
33 years.**

34 **(3) Two (2) members appointed under IC 4-4-32-5(a)(1), as  
35 added by this act, for a term of three (3) years.**

36 **(4) One (1) member appointed under IC 4-4-32-5(a)(1), as  
37 added by this act, for a term of four (4) years.**

38 **(5) One (1) member appointed under IC 4-4-32-5(a)(2), as  
39 added by this act, for a term of four (4) years.**

40 **(d) The initial terms begin July 1, 2004.**

41 **(e) This SECTION expires July 1, 2008.**

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

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SENATE MOTION

Madam President: I move that Senator Nugent be added as coauthor of Senate Bill 100.

WATERMAN

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SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 100.

WATERMAN

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## COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 100, 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 4, after "American" insert "**Indian**".

Page 1, line 6, after "American" insert "**Indian**".

Page 2, line 3, after "American" insert "**Indian**".

Page 2, line 7, after "Americans" insert ", **of whom five (5) members shall be appointed by the governor, one (1) by the speaker of the house of representatives, and one (1) by the president pro tempore of the senate**".

Page 2, line 9, after "issues" insert "**who are appointed by the governor**".

Page 2, line 31, delete "governor" and insert "**appointing authority**".

Page 2, line 33, delete "governor" and insert "**appointing authority**".

Page 2, line 35, delete "governor" and insert "**appointing authority**".

Page 2, between lines 40 and 41, begin a new paragraph and insert: "**(e) A member of the commission appointed under subsection (a)(1) or (a)(2) must provide proof to the appointing authority that the person is a Native American from:**

**(1) a federally recognized tribe; or**

**(2) the executive council of the person's tribe.**".

Page 4, line 26, after "American" insert "**Indian**".

Page 4, line 30, after "American" insert "**Indian**".

Page 4, line 33, after "American" insert "**Indian**".

Page 4, line 37, after "American" insert "**Indian**".

Page 4, line 41, after "American" insert "**Indian**".

Page 5, line 1, after "governor" insert "**, the speaker of the house of representatives, and the president pro tempore of the senate**".

Page 5, line 5, after "American" insert "**Indian**".

Page 5, line 10, delete "nine (9)" and insert "**seven (7)**".

Page 5, line 12, delete "Two (2) members" and insert "**One (1) member**".

Page 5, line 14, delete "Two (2) members" and insert "**One (1) member**".

Page 5, between lines 23 and 24, begin a new paragraph and insert:

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**"(d) Notwithstanding IC 4-4-32-5(c), as added by this act, the initial term of office for the individual appointed to the commission under IC 4-4-32-5(a)(1) by:**

- (1) the speaker of the house of representatives is for a term of two (2) years; and**
- (2) the president pro tempore of the senate is for a term of four (4) years."**

Page 5, line 24, delete "(d) and insert "(e)".

Page 5, line 25, delete "(e) and insert "(f)".

and when so amended that said bill do pass.

(Reference is to SB 100 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 2.

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SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Senate Bill 100.

WATERMAN

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SENATE MOTION

Madam President: I move that Senator Young R be added as coauthor of Senate Bill 100.

WATERMAN

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SENATE MOTION

Madam President: I move that Senate Bill 100 be amended to read as follows:

Page 3, delete lines 20 through 38.

Page 3, line 39, delete "9." and insert "**8**".

Page 4, line 28, delete "10." and insert "**9**".

(Reference is to SB 100 as printed January 16, 2004.)

WATERMAN

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SENATE MOTION

Madam President: I move that Senate Bill 100 be amended to read as follows:

Page 4, delete line 27.

(Reference is to SB 100 as printed January 16, 2004.)

WATERMAN

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SENATE MOTION

Madam President: I move that Senate Bill 100 be amended to read as follows:

Page 4, delete lines 12 through 13.

Page 4, line 14, delete "(5)" and insert "**(4)**".

Page 4, line 18, delete "(6)" and insert "**(5)**".

Page 4, line 20, delete "(7)" and insert "**(6)**".

Page 4, line 22, delete "(8)" and insert "**(7)**".

Page 4, line 25, delete "(9)" and insert "**(8)**".

Page 4, line 27, delete "(10)" and insert "**(9)**".

(Reference is to SB 100 as printed January 16, 2004.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred Senate Bill 100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 100 as reprinted January 28, 2004.)

PELATH, Chair

Committee Vote: yeas 9, nays 0.

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