

SENATE BILL No. 100

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-4-32; IC 14-21-1-25.5.

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. (The introduced version of this bill was prepared by the natural resources study committee.)

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

Waterman

January 6, 2004, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

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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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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 Affairs Commission**

5 **Sec. 1. As used in this chapter, "commission" refers to the**
6 **Native American affairs commission established by section 4 of this**
7 **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" means an**
11 **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 (4) A person who has demonstrated membership of a tribe
- 16 located in Indiana that:
- 17 (A) has established documented historical recognition; and



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(B) 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 seventeen (17) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

- (1) Seven (7) Native Americans.**
- (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.**
- (10) The director of the Indiana historical bureau.**

(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. 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 nine (9) members of the commission are required for the commission to take any official

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action, including public policy recommendations and reports.

Sec. 7. (a) The department and the department of natural resources 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 about 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 barriers to opportunities for financial aid and minority scholarships.

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- (4) Inaccurate information and stereotypes concerning Native Americans, including the accuracy of educational curricula.**
- (5) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers in overcoming 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 facilitating 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, 2004]: Sec. 25.5. (a) If a Native American burial ground is discovered, the department shall immediately notify the Native American affairs commission established under IC 4-4-32.

(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, 2004] (a) As used in this SECTION, "commission" refers to the Native American affairs commission established by IC 4-4-32-4, as added by this act.

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1 **(b) The governor shall make the initial appointments to the**
2 **commission not later than July 1, 2004. In making an initial**
3 **appointment, the governor shall:**
4 **(1) appoint, if available to serve, individuals who were**
5 **appointed to the Native American affairs commission under**
6 **Executive Order 03-22; and**
7 **(2) indicate the length of the term for which the individual is**
8 **appointed.**
9 **(c) Notwithstanding IC 4-4-32-5(c), as added by this act, the**
10 **initial terms of office for the nine (9) individuals appointed to the**
11 **commission by the governor are as follows:**
12 **(1) Two (2) members appointed under IC 4-4-32-5(a)(1), as**
13 **added by this act, for a term of one (1) year.**
14 **(2) Two (2) members appointed under IC 4-4-32-5(a)(1), as**
15 **added by this act, and one (1) member appointed under**
16 **IC 4-4-32-5(a)(2), as added by this act, for a term of two (2)**
17 **years.**
18 **(3) Two (2) members appointed under IC 4-4-32-5(a)(1), as**
19 **added by this act, for a term of three (3) years.**
20 **(4) One (1) member appointed under IC 4-4-32-5(a)(1), as**
21 **added by this act, and one (1) member appointed under**
22 **IC 4-4-32-5(a)(2), as added by this act, for a term of four (4)**
23 **years.**
24 **(d) The initial terms begin July 1, 2004.**
25 **(e) This SECTION expires July 1, 2008.**
26 **SECTION 4. An emergency is declared for this act.**

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