



Reprinted
January 28, 2004

SENATE BILL No. 100

DIGEST OF SB 100 (Updated January 27, 2004 4:21 pm - DI 87)

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

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.

C
o
p
y

SB 100—LS 6424/DI 77+



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.

C
o
p
y

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" 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



1 (B) is recognized for purposes of this chapter by the
2 governor.

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

5 Sec. 5. (a) The commission consists of seventeen (17) voting
6 members and two (2) nonvoting members. The voting members of
7 the commission consist of the following:

8 (1) Seven (7) Native Americans, of whom five (5) members
9 shall be appointed by the governor, one (1) by the speaker of
10 the house of representatives, and one (1) by the president pro
11 tempore of the senate.

12 (2) Two (2) Native Americans who have knowledge in Native
13 American traditions and spiritual issues who are appointed by
14 the governor.

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

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

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

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

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

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

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

29 (10) The director of the Indiana historical bureau.

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

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

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

36 (c) The appointing authority shall appoint each Native
37 American member of the commission to a term of four (4) years,
38 and any vacancy occurring shall be filled by the appointing
39 authority for the unexpired term. Before appointing a Native
40 American member to the commission, the appointing authority
41 shall solicit nominees from Indiana associations that represent
42 Native Americans. Not more than one (1) member may represent

C
O
P
Y



1 the same tribe or Native American Indian organization or
2 association.

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

5 (e) A member of the commission appointed under subsection
6 (a)(1) or (a)(2) must provide proof to the appointing authority that
7 the person is a Native American from:

- 8 (1) a federally recognized tribe; or
- 9 (2) the executive council of the person's tribe.

10 Sec. 6. The affirmative votes of at least nine (9) members of the
11 commission are required for the commission to take any official
12 action, including public policy recommendations and reports.

13 Sec. 7. (a) The department and the department of natural
14 resources shall provide staff and administrative support for the
15 commission.

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

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

20 Sec. 8. The commission shall study problems common to Native
21 American residents of Indiana in the areas of employment,
22 education, civil rights, health, and housing. The commission may
23 make recommendations to appropriate federal, state, and local
24 governmental agencies concerning the following:

- 25 (1) Health issues affecting Native American communities,
26 including data collection, equal access to public assistance
27 programs, and informing health officials about cultural
28 traditions relevant to health care.
- 29 (2) Cooperation and understanding between the Native
30 American communities and other communities throughout
31 Indiana.
- 32 (3) Cultural barriers to the educational system, including
33 barriers to higher education and barriers to opportunities for
34 financial aid and minority scholarships.
- 35 (4) Measures to stimulate job skill training and related
36 workforce development, including initiatives to assist
37 employers in overcoming communication and cultural
38 differences.
- 39 (5) Programs to encourage the growth and support of Native
40 American owned businesses.
- 41 (6) Public awareness of issues affecting the Native American
42 communities.

C
O
P
Y



1 (7) Issues concerning preservation and excavation of Native
2 American historical and archeology sites, including reburial
3 of Native Americans.

4 (8) Measures facilitating easier access to state and local
5 government services by Native Americans.

6 Sec. 9. The commission may not study or make
7 recommendations on the following issues:

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

10 (2) Gaming on tribal land.

11 SECTION 2. IC 14-21-1-25.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2004]: Sec. 25.5. (a) If a Native American
14 burial ground is discovered, the department shall immediately
15 notify the Native American Indian affairs commission established
16 under IC 4-4-32.

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

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

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

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

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

32 (b) The governor, the speaker of the house of representatives,
33 and the president pro tempore of the senate shall make the initial
34 appointments to the commission not later than July 1, 2004. In
35 making an initial appointment, the governor shall:

36 (1) appoint, if available to serve, individuals who were
37 appointed to the Native American Indian affairs commission
38 under Executive Order 03-22; and

39 (2) indicate the length of the term for which the individual is
40 appointed.

41 (c) Notwithstanding IC 4-4-32-5(c), as added by this act, the
42 initial terms of office for the seven (7) individuals appointed to the

C
o
p
y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

commission by the governor are as follows:

(1) One (1) member appointed under IC 4-4-32-5(a)(1), as added by this act, for a term of one (1) year.

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

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

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

(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.

(e) The initial terms begin July 1, 2004.

(f) This SECTION expires July 1, 2008.

SECTION 4. An emergency is declared for this act.

**C
O
P
Y**



SENATE MOTION

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

WATERMAN

SENATE MOTION

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

WATERMAN

C
O
P
Y



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:

C
O
P
Y



"(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.

**C
O
P
Y**



SENATE MOTION

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

WATERMAN

SENATE MOTION

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

WATERMAN

C
O
P
Y



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

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

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.)

WATERMAN

C
O
P
Y

