

Members

Sen. Thomas Wyss, Chairperson
Sen. Michael Young
Sen. Charles Meeks
Sen. Lindel Hume
Sen. Timothy Lanane
Sen. Mark Blade
Rep. Vernon Smith, Vice-Chairperson
Rep. Jerry Denbo
Rep. Ron Liggett
Rep. Ralph Ayres
Rep. James Buck
Rep. Eric Turner



INTERIM STUDY COMMITTEE ON LABOR, STATE AND HUMAN AFFAIRS ISSUES

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Authority: HEA 1001-2002

MEETING MINUTES¹

Meeting Date: September 20, 2002
Meeting Time: 9:30 A.M.
Meeting Place: State House, 200 W. Washington St., Room 431
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Thomas Wyss, Chairperson; Sen. Michael Young; Sen. Charles Meeks; Sen. Mark Blade; Rep. Jerry Denbo; Rep. Ron Liggett; Rep. James Buck; Rep. Eric Turner.

Members Absent: Sen. Lindel Hume; Sen. Timothy Lanane; Rep. Vernon Smith, Vice-Chairperson; Rep. Ralph Ayres.

1. CALL TO ORDER and INTRODUCTION OF MEMBERS

Senator Wyss called the second meeting of the Interim Study Committee on Labor, State, and Human Affairs Issues ("Committee") to order at 9:45 A.M. and introduced the Committee members.

2. DISCUSSION OF TOPICS SET FORTH IN SENATE RESOLUTION 7 (See Exhibit A.)

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

Mary Alexander of the American Indian Center ("Center") of Indiana testified about the mission and goals of the Center and outlined how the Center is trying to meet the needs of Indiana's American Indian community through workforce development and health care access programs and by addressing cultural discrimination. See Exhibits B and C. Senator Wyss asked whether Indiana's business community is cooperating with the Center in addressing cultural differences, and Ms. Alexander responded that many businesses are cooperative.

Patrick Murphy of the Department of Workforce Development ("DWD") testified that the American Indian Center and, through it, the Native American community, participate in DWD's Workforce Investment Board.

Rick Jones, the state archaeologist with the Division of Historic Preservation and Archaeology of the Department of Natural Resources ("DNR"), testified about the Native American Council ("Council") that currently advises the Governor. Mr. Jones discussed the history of the Council and outlined issues that the Council has addressed, including repatriation of human remains and treatment of Native Americans in state correctional facilities.

Bill Wepler, Curator of Anthropology for the Indiana State Museum ("State Museum"), testified about the State Museum's role in preserving Native American culture in Indiana. Mr. Wepler described the State Museum's exhibits, most of which are archaeological. Mr. Wepler also discussed the State Museum's outreach program, the goal of which is to educate Indiana teachers about the history and culture of Native Americans in Indiana. Representative Buck asked Mr. Wepler if there are any books pertaining specifically to Native Americans in Indiana, and Mr. Wepler responded that there are not.

Dan Mathis, Assistant Director of Legislative Affairs for DNR, informed the Committee that the issue of workforce development for Native Americans is outside the realm of DNR's expertise and thus was not a target area for the Council.

Tricia O'Connor, Exhibition Developer for the Eiteljorg Museum ("Eiteljorg") testified about the Eiteljorg's efforts to preserve Native American culture in Indiana. See Exhibit D. Ms. O'Connor informed the Committee that many Hoosiers are unaware of the Native Americans that currently populate Indiana and likewise have little accurate information on the history of Native Americans in Indiana. Ms. O'Connor testified that the Eiteljorg is working on a teacher's manual on Native American cultures in Indiana. See Exhibit E.

Sally Tuttle, a member of the Council, distributed to the Committee a packet of materials concerning issues faced by Indiana's Native American population. See Exhibit F. Ms. Tuttle expressed her concern that the Council cannot adequately address these issues because they fall outside the scope of the executive order that created the Council, which limits the Council to an advisory role within DNR. Ms. Tuttle testified that there is a definite need for a legislative commission on Native American affairs.

Snow Wolf Wagner reiterated the need for a legislative commission on Native American affairs. Mr. Wagner distributed a petition in support of establishing a commission. See Exhibit G.

Tosha Galaktionoff testified in support of establishing a commission on Native American affairs. Ms. Galaktionoff described her personal battle with discrimination and urged the Committee to address the cultural issues facing Indiana's Native American community.

After Senator Wyss opened testimony to the public, Corinne Ironshield spoke to the

Committee about the need for a legislative commission on Native American affairs. Ms. Ironshield listed the following issues the commission would need to address: (1) poor education; (2) low paying jobs; (3) health care; (4) loss of grant money for child care; and (5) war veterans and disabled individuals.

Staff attorney Sarah Freeman distributed a packet of materials concerning research being done at Indiana's institutions of higher education concerning Native American issues. Senator Wyss closed discussion on the issues set forth in Senate Resolution 7.

3. DISCUSSION OF WORKER'S COMPENSATION AS APPLIED TO THE AMISH

Senator Wyss next moved Committee discussion to the issue of worker's compensation as it applies to Indiana's Amish community. The Committee addressed this issue at the request of Representative David Crooks.

David Yoder from Middlebury, Indiana, testified on behalf of the Amish. Mr. Yoder testified that Amish employers who hire Amish employees are required under state law to have worker's compensation insurance on the employees. The Amish community wishes to be exempt from this statutory requirement because the concept of insurance contravenes Amish tenets. Mr. Yoder stated that the Amish community prefers to take care of its injured by collecting money from members of the community.

Senator Charles Meeks asked Mr. Yoder if being exempt from carrying worker's compensation insurance on employees would give Amish businesses an unfair competitive advantage over other small businesses. In response, Mr. Yoder testified that the Amish community currently pays the same costs when a member of the community is injured and that emergency medical care is very expensive; the most expensive bill his community has paid to date was \$640,000.

Senator Meeks and Representative Liggett expressed concern that exempting Amish employers from worker's compensation requirements would create an unlevel playing field for other businesses competing with Amish businesses. Senator Michael Young offered his opinion that the Amish would have no advantage because the Amish would risk having to pay high medical bills without any insurance.

Sandy Fralich, Executive Secretary of the Worker's Compensation Board ("Board"), testified that the Board has been working with the Amish community to develop alternative plans for worker's compensation coverage for the Amish. Ms. Fralich explained that any plan used by the Amish would have to be at least as comprehensive and inclusive as what is required by statute. In response to Senator Wyss' question, Ms. Fralich testified that any change to current worker's compensation requirements would have to come through the legislative, and not the administrative, process.

Mike Chrysler of the Insurance Institute of Indiana testified in opposition to exempting the Amish from the worker's compensation requirements. Mr. Chrysler handed out a copy of a United States Supreme Court opinion addressing the payment of social security taxes by the Amish as well as a packet of newspaper articles and letters concerning the worker's compensation issue.

Neil Gath of the AFL/CIO of Indiana also testified in opposition to exempting the Amish from the worker's compensation requirements.

Senator Wyss then closed the topic to testimony. The Committee briefly discussed the topic and then discussed the agenda for the Committee's next meeting, at which the

Committee will discuss and adopt its final report.

4. SELECTION OF NEXT MEETING DATE

Senator Wyss scheduled the third and final meeting of the Committee for Thursday, October 24, 2002, at 10:00 A.M.

5. ADJOURNMENT

Senator Wyss adjourned the meeting at 12:51 P.M.