

2018 Regular Session

HOUSE BILL NO. 660

BY REPRESENTATIVE MAGEE

BOARDS/COMMISSIONS: Creates the Native American Commission within the office of the governor

1 AN ACT

2 To enact R.S. 46:2305, relative to the Governor's Office of Indian Affairs; to provide for the  
3 creation of the Native American Commission within the Governor's Office of Indian  
4 Affairs; to provide for the membership, duties, governance, compensation, and  
5 powers of the commission; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:2305 is hereby enacted to read as follows:

8 §2305. Native American Commission; creation; membership; compensation

9 A. The Native American Commission is hereby created within the  
10 Governor's Office of Indian Affairs. The commission shall serve in an advisory  
11 capacity to the Governor's Office of Indian Affairs.

12 B. The following shall each appoint one member:

13 (1) Adai Caddo Indians of Louisiana.

14 (2) Bayou Lafourche Band of Biloxi-Chitimacha-Choctaw.

15 (3) Chitimacha Tribe of Louisiana.

16 (4) Choctaw-Apache Tribe of Ebarb.

17 (5) Clifton Choctaw Tribe of Louisiana.

18 (6) Coughatta Tribe of Louisiana.

19 (7) Four-Winds Cherokee Tribe.

20 (8) Grand Caillou/Dulac Band.

1           (9) Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Tribe.

2           (10) Jena Band of Choctaw Indians.

3           (11) Louisiana Band of Choctaw Indians.

4           (12) Natchitoches Tribe of Louisiana.

5           (13) Point au Chien Tribe.

6           (14) Tunica-Biloxi Tribe of Louisiana.

7           (15) United Houma Nation.

8           C. The following members shall serve as ex officio members:

9           (1) The director of the Governor's Office of Indian Affairs.

10          (2) The secretary of the Department of Veterans Affairs or designee.

11          (3) The state archeologist or his designee.

12          D. The commission may add state recognized tribes and federally recognized  
13 tribes to its membership as tribes are officially granted state or federal recognition.

14          E. All appointments shall be made for four years except in cases where  
15 appointees are unable to complete their terms. If a member is unable to complete his  
16 term, the appointing entity shall appoint a member for the length of the unexpired  
17 term.

18          F. The commission shall elect as officers a chairperson, vice chairperson,  
19 and secretary from its membership. All officers shall serve for two years. The  
20 commission shall create its own bylaws. The commission shall meet at least once  
21 every quarter, and may meet more often as determined by the chairman.

22          G. A majority of the voting membership shall constitute a quorum. All  
23 official business of the commission shall require the affirmative vote of not less than  
24 a majority of the members present. Voting by proxy is prohibited.

25          H. Commission members shall not receive compensation or a per diem for  
26 their services or attendance at council meetings, except for those travel related  
27 expenses already provided for by their agency.

28          I. The commission shall be domiciled in East Baton Rouge Parish.

29          J. The commission shall do the following:

1           (1) Advise the Governor's Office of Indian Affairs regarding issues  
2           pertaining to Native Americans.

3           (2) Identify the needs and concerns of the Native Americans in Louisiana  
4           and bring such needs and concerns to the attention of the Governor's Office of Indian  
5           Affairs.

6           (3) Make recommendations to the Governor's Office of Indian Affairs to  
7           address the needs and concerns of Native Americans in Louisiana.

8           (4) Establish criteria for state tribe recognition and recommend criteria to the  
9           Governor's Office of Indian Affairs and legislature for adoption and implementation.

10          (5) Review applications for the Office of Indian Affairs Scholarship and  
11          recommend scholarship awardees to the Governor's Office of Indian Affairs.

12          (6) Promote Native American culture, awareness, and education across the  
13          state.

14          (7) Promote Native American Heritage Month in Louisiana.

15          (8) Conduct a comprehensive review of all state departments and agencies  
16          to identify obstacles to the effective delivery of governmental services by all service  
17          providers at all levels of government to Native Americans, propose methods for  
18          removing those obstacles, and submit such proposals to the appropriate  
19          governmental entity or entities.

20          K. The commission shall have authority to request consultation or  
21          information, or both, from any state department or agency serving Native Americans.  
22          The department or agency shall give priority to the request and shall provide the data  
23          or assistance as requested. The commission shall maintain the confidentiality of any  
24          information or records provided, as required by laws relative to such information and  
25          records.

26          L. The Governor's Office of Indian Affairs shall assist as needed in providing  
27          staff support for the council, including but not limited to the scheduling of meetings.

28          M. Legislation may be recommended by the commission to the Governor's  
29          Office of Indian Affairs only upon approval by a two-thirds vote of the commission

1        members present. The commission shall not recommend legislation that would  
2        impair ownership interests in any immovable property or any mineral rights  
3        associated therewith.

4                N. The commission shall annually issue a report of its findings and  
5        recommendations to the governor and legislature.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 660 Reengrossed

2018 Regular Session

Magee

**Abstract:** Provides for the creation of the Native American Commission within the Governor's Office of Indian Affairs.

Proposed law provides for the creation of the Native American Commission within the Governor's Office of Indian Affairs. Provides that the commission shall serve in an advisory capacity to the Governor's Office of Indian Affairs.

Proposed law provides that the commission shall consist of members appointed by the following:

- (1)     Adai Caddo Indians of Louisiana.
- (2)     Bayou Lafourche Band of Biloxi-Chitimacha-Choctaw.
- (3)     Chitimacha Tribe of Louisiana.
- (4)     Choctaw-Apache Tribe of Ebarb.
- (5)     Clifton Choctaw Tribe of Louisiana.
- (6)     Coushatta Tribe of Louisiana.
- (7)     Four-Winds Cherokee Tribe.
- (8)     Grand Caillou/Dulac Band.
- (9)     Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Tribe.
- (10)    Jena Band of Choctaw Indians.
- (11)    Louisiana Band of Choctaw Indians.
- (12)    Natchitoches Tribe of Louisiana.
- (13)    Point au-Chien Tribe.
- (14)    Tunica-Biloxi Tribe of Louisiana.
- (15)    United Houma Nation.

Proposed law further provides that the following members shall serve as ex officio members:

- (1) The director of the Office of Indian Affairs.
- (2) The secretary of the Dept. of Veterans Affairs or designee.
- (3) The state archeologist or his designee.

Proposed law provides that the commission may add state recognized tribes and federally recognized tribes to its membership as tribes are officially granted state or federal recognition.

Proposed law provides that the commission shall do the following:

- (1) Advise the Office of Indian Affairs regarding issues pertaining to Native Americans.
- (2) Identify the needs and concerns of Native Americans in La. by bringing such needs and concerns to the attention of the Office of Indian Affairs.
- (3) Make recommendations to the Office of Indian Affairs to address the needs and concerns of Native Americans in La.
- (4) Establish criteria for state tribe recognition and recommend such criteria to the Office of Indian Affairs and legislature for adoption and implementation.
- (5) Review applications for the Office of Indian Affairs Scholarship and recommend scholarship awardees to the Office of Indian Affairs.
- (6) Promote Native American culture, awareness, and education across the state.
- (7) Promote Native American Heritage Month in La.
- (8) Conduct a comprehensive review of all state departments and agencies to identify obstacles to the effective delivery of governmental services to Native Americans, propose methods for removing those obstacles, and submit such proposals to the appropriate governmental entity.

Proposed law provides that members are appointed for four-year terms.

Proposed law provides that the commission shall elect a chairperson, vice chairperson, and secretary from its membership. All officers shall serve for two years. The commission shall create its own bylaws. The commission shall meet at least once every quarter, and may meet more often as determined by the chairman.

Proposed law provides that commission members shall not receive compensation except for those travel-related expenses already provided for by their agency.

Proposed law authorizes the commission to request consultation or information, or both, from any state department or agency serving Native Americans. The department or agency shall give priority to the request and shall provide the data or assistance as requested. Requires the commission to maintain the confidentiality of any information or records provided as required by laws relative to such information and records.

Proposed law requires the Governor's Office of Indian Affairs to assist as needed in providing staff report for the council.

Proposed law provides that legislation may be recommended by the commission to the Governor's Office of Indian Affairs only upon approval by a 2/3 vote of the commission

members present. Further prohibits the commission from recommending legislation that would impair ownership interests in any immovable property or any mineral rights associated therewith.

Proposed law requires the commission to annually issue a report of its findings and recommendations to the governor and legislature.

(Adds R.S. 46:2305)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Add provision that prohibits the commission from recommending legislation that would impair ownership interests in any immovable property or any mineral rights associated therewith.

The House Floor Amendments to the engrossed bill:

1. Add prohibition on voting by proxy.