



General Assembly

January Session, 2007

Raised Bill No. 7298

LCO No. 4968

* HB07298ENV 032107 *

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE INDIAN AFFAIRS COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-59b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There shall [continue to be an] be a Commission on Indian
4 Affairs, [Council,] consisting of one representative from each of the
5 following Indian tribes: The Schaghticoke, the Paucatuck Eastern
6 Pequot, the Mashantucket Pequot, the Mohegan and the Golden Hill
7 Paugussett; to be appointed by the respective tribes, and three persons
8 appointed by the Governor who are electors within the state but not
9 elected or appointive officials of the state or any of its political
10 subdivisions and are not of Indian lineage. Appointments made under
11 this section shall be for terms of three years. Each Indian tribe may
12 designate from among its members an alternate representative who
13 may serve from time to time in place of its appointive representative.
14 Vacancies on said [council] commission shall be filled by the respective
15 appointing authority for the unexpired balance of the term. The
16 members of said [council] commission shall be compensated for their

17 services thereon at the rate of twenty-five dollars per day and shall be
 18 reimbursed for their necessary expenses. Said [council] commission
 19 shall provide services to the Indian reservation community of the state
 20 and formulate programs suitable to its needs [. The council] and shall
 21 promote cooperation between native communities with each other and
 22 shall promote cooperation between state and native communities and
 23 education of such communities. Said commission may select an
 24 executive director who shall serve at no expense to the state but may
 25 be compensated with funds contributed by the tribes.

26 (b) The Commission on Indian Affairs [Council] shall review the
 27 regulations governing Indian affairs in the state of Connecticut and
 28 advise the Commissioner of Environmental Protection on
 29 promulgation of new regulations. The [council] commission shall
 30 report annually, no later than September first, to the Governor and the
 31 General Assembly on the activities of the [council] commission and the
 32 state of affairs of the Indian people in the state.

33 Sec. 2. Section 10-382 of the general statutes is repealed and the
 34 following is substituted in lieu thereof (*Effective from passage*):

35 There is established a Native American Heritage Advisory Council
 36 to evaluate and make recommendations on the Native American
 37 heritage to the State Archaeologist and the Connecticut Commission
 38 on Arts, Tourism, Culture, History and Film. Such council shall consist
 39 of the following members: One representing each of the following
 40 Indian tribes, appointed by the tribe: The Schaghticoke, the Paucatuck
 41 Eastern Pequot, the Mashantucket Pequot, the Mohegan and the
 42 Golden Hill Paugussett; one representing the Commission on Indian
 43 Affairs, [Council,] appointed by the chairperson of the council; one
 44 representing the Commissioner of Environmental Protection,
 45 appointed by said commissioner; one representing the Archaeological
 46 Society of Connecticut, appointed by the president pro tempore of the
 47 Senate; and three who are knowledgeable in Native American history,
 48 traditions and archaeology, one appointed by the speaker of the House
 49 of Representatives, one appointed by the minority leader of the House

50 of Representatives and one appointed by the minority leader of the
51 Senate.

52 Sec. 3. Section 10a-112 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective from passage*):

54 (a) Until such time as a State Archaeologist is appointed pursuant to
55 subsection (b) of this section, the trustees of The University of
56 Connecticut shall designate a member of the faculty of said university
57 to serve as State Archaeologist, who shall serve without additional
58 compensation. He shall conduct research in the ethnohistory of the
59 Indians of this region and of their archaeology, and shall cooperate
60 with agencies of this state and of the federal government and with
61 private individuals and corporations in an effort to protect and
62 preserve archaeological remains which are threatened with destruction
63 or loss by the construction of dams or highways or otherwise.

64 (b) The Board of Directors of the State Museum of Natural History
65 shall appoint a State Archaeologist and staff for the Office of
66 Archaeology established pursuant to section 10a-112a. The State
67 Archaeologist shall have the following powers and duties: (1) To
68 supervise the care and study of the archaeological collection of the
69 State Museum of Natural History; (2) to coordinate (A) the
70 archaeological salvage of properties threatened with destruction, (B)
71 public and private archaeological research and the encouragement of
72 the highest possible standards in archaeological investigations, and (C)
73 the preservation of native American and other human osteological
74 remains and cemeteries with the Connecticut Commission on Culture
75 and Tourism, the Office of the Chief Medical Examiner, the
76 Commission on Indian Affairs [Council] and other state agencies; (3) to
77 conduct research on the state's prehistory and history and disseminate
78 the results of such research through publications and other means; (4)
79 to educate the public about the significance and fragility of
80 archaeological resources; (5) to respond to inquiries about the state's
81 archaeological resources; and (6) to maintain comprehensive site files
82 and maps.

83 Sec. 4. Section 19a-4j of the general statutes is repealed and the
84 following is substituted in lieu thereof (*Effective from passage*):

85 (a) There is established, within the Department of Public Health, an
86 Office of Multicultural Health. The responsibility of the office is to
87 improve the health of all Connecticut residents by eliminating
88 differences in disease, disability and death rates among ethnic, racial
89 and cultural populations.

90 (b) The department may apply for, accept and expend such funds as
91 may be available from federal, state or other sources and may enter
92 into contracts to carry out the responsibilities of the office.

93 (c) The office shall:

94 (1) With regard to health status: (A) Monitor the health status of
95 African Americans; Latinos/Hispanics; Native Americans/Alaskan
96 Natives; and Asians, Native Hawaiians and other Pacific Islanders; (B)
97 compare the results of the health status monitoring with the health
98 status of non-Hispanic Caucasians/whites; and (C) assess the
99 effectiveness of state programs in eliminating differences in health
100 status;

101 (2) Assess the health education and health resource needs of ethnic,
102 racial and cultural populations listed in subdivision (1) of this
103 subsection; and

104 (3) Maintain a directory of, and assist in development and
105 promotion of, multicultural and multiethnic health resources in
106 Connecticut.

107 (d) The office may:

108 (1) Provide grants for culturally appropriate health education
109 demonstration projects and may apply for, accept and expend public
110 and private funding for such projects; and

111 (2) Recommend policies, procedures, activities and resource
112 allocations to improve health among racial, ethnic and cultural
113 populations in Connecticut.

114 (e) The Commissioner of Public Health shall submit an annual
115 report concerning the activities of the office to the Governor, the
116 General Assembly, the Permanent Commission on the Status of
117 Women established under section 46a-1, the Latino and Puerto Rican
118 Affairs Commission established under section 2-120, the Commission
119 on Indian Affairs [Council] established under section 47-59b, as
120 amended by this act, and the Connecticut African-American Affairs
121 Commission. The office shall also hold community workshops and use
122 other means to disseminate its findings state-wide.

123 Sec. 5. Section 47-65 of the general statutes is repealed and the
124 following is substituted in lieu thereof (*Effective from passage*):

125 (a) The Commissioner of Environmental Protection with the advice
126 of the Commission on Indian Affairs [Council] shall have the care and
127 management of reservation lands. The commissioner and the [council]
128 commission shall establish the boundaries of such reservations by land
129 survey and shall file a map of the same in the land records of the
130 appropriate towns.

131 (b) All reservation buildings not privately owned shall be subject to
132 the care and management of the Commissioner of Environmental
133 Protection. The commissioner with the advice of the Commission on
134 Indian Affairs [Council] shall, upon the petition of the resident make
135 major repairs and improvements to the exterior of any such building
136 and its heating, water, electric, sewage disposal and plumbing systems
137 as are necessary to insure habitable living conditions. The resident of
138 any building shall assume responsibility for the interior maintenance
139 of floors, walls and ceilings and minor maintenance of the building
140 and its heating, water, electric, sewage disposal and plumbing
141 systems, provided the commissioner shall supply necessary materials
142 for such systems.

143 (c) The [council] commission may, upon petition of an Indian
144 resident without sufficient means to support himself, provide
145 assistance in an amount necessary to maintain a standard of living in
146 the home compatible with the well-being of the resident. The [council]
147 commission shall provide other services as it deems necessary to
148 insure the well-being of all persons residing on the reservations.

149 (d) The commissioner and the [council] commission may adopt and
150 amend regulations pursuant to chapter 54 to carry out the provisions
151 of subsections (a) and (b) of this section. The [council] commission
152 shall adopt regulations which prescribe eligibility standards for
153 assistance and services under subsection (c) of this section.

154 (e) The Governor is hereby designated the administrative agent of
155 the state to apply for any funds or other aid, cooperate and enter into
156 contracts and agreements with the federal government, the Indian
157 Housing Authority or any other appropriate state or local agency for
158 the purpose of providing necessary services to housing projects to be
159 located on Indian reservations within the state of Connecticut or for
160 any other purpose which the Congress of the United States or the
161 General Assembly has authorized or may authorize for expenditures
162 compatible with the services provided for in this chapter. The
163 Governor is authorized in the name of the state to make all
164 applications, sign all documents, give assurances and do all other
165 things necessary to carry out the provisions of this chapter.

166 Sec. 6. Section 47-66 of the general statutes is repealed and the
167 following is substituted in lieu thereof (*Effective from passage*):

168 Tribal funds shall be under the care and control of the
169 Commissioner of Environmental Protection with the advice of the
170 Commission on Indian Affairs [Council] and may be used for the
171 purposes set forth in section 47-65, as amended by this act. Said
172 commissioner shall annually settle his or her accounts of the affairs of
173 each tribe with the Comptroller, and his or her report to the Governor
174 shall furnish, with respect to each tribe, a statement of the amount and

175 condition of its fund, an estimate of the value of its lands and the
176 income annually received and the expenditures made by said
177 commissioner from such fund. Said commissioner may maintain an
178 action in his or her name to recover any property misappropriated
179 from a reservation.

180 Sec. 7. Section 47-66g of the general statutes is repealed and the
181 following is substituted in lieu thereof (*Effective from passage*):

182 The Commissioner of Environmental Protection with the advice of
183 the Commission on Indian Affairs [Council] shall manage the state's
184 interest in Indian affairs not otherwise specified in this chapter,
185 including but not limited to, maintaining state documents, providing
186 information to tribal members and coordinating governmental grant
187 programs.

188 Sec. 8. Section 47-66i of the general statutes is repealed and the
189 following is substituted in lieu thereof (*Effective from passage*):

190 (a) Each tribal leader shall file with the Governor his or her name
191 and a written description of the method of selecting tribal leaders and
192 the process by which tribal leaders exercise their authority. The
193 Governor shall file such description with the Secretary of the State and
194 the Commission on Indian Affairs [Council] established under section
195 47-59b, as amended by this act.

196 (b) A leadership dispute shall be resolved in accordance with tribal
197 usage and practice. Upon request of a party to a dispute, the dispute
198 may be settled by a council. Each party to the dispute shall appoint a
199 member to the council and the parties shall jointly appoint one or two
200 additional members provided the number of members of the council
201 shall be an odd number. If the parties cannot agree on any joint
202 appointment, the Governor shall appoint any such member who shall
203 be a person knowledgeable in Indian affairs. The decision of the
204 council shall be final on substantive issues. An appeal may be taken to
205 the Superior Court to determine if provisions of the written description

206 filed with the Secretary of the State pursuant to this section have been
207 followed. If the court finds that the dispute was not resolved in
208 accordance with the provisions of the written description, it shall
209 remand the matter with instructions to reinstitute proceedings, in
210 accordance with such provisions.

211 Sec. 9. Section 47-66j of the general statutes is repealed and the
212 following is substituted in lieu thereof (*Effective from passage*):

213 (a) On or before March 15, 1990, and annually thereafter, the tribal
214 leader selected in accordance with the method filed under section 47-
215 66i, as amended by this act, shall file a copy of the rules for tribal
216 membership and government and a current membership roll with the
217 Governor. The membership rules may include provisions for
218 revocation of membership. The Governor shall file the rules and
219 membership roll with the Secretary of the State and the Commission
220 on Indian Affairs [Council] established under section 47-59b, as
221 amended by this act.

222 (b) A membership dispute shall be resolved in accordance with
223 tribal usage and practice. Upon request of a party to a dispute, the
224 dispute may be settled by a council. Each party to the dispute shall
225 appoint a member of the council and the parties shall jointly appoint
226 one or two additional members provided the number of members of
227 the council shall be an odd number. If the parties cannot agree on any
228 joint appointment, the Governor shall appoint such member who shall
229 be a person knowledgeable in Indian affairs. The decision of the
230 council shall be final on substantive issues but an appeal may be taken
231 to the Superior Court to determine if membership rules filed in the
232 office of the Secretary of the State pursuant to this section have been
233 followed. If the court finds that the dispute was not resolved in
234 accordance with the provisions of the written description, it shall
235 remand the matter with instructions to reinstitute proceedings, in
236 accordance with such provisions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	47-59b
Sec. 2	<i>from passage</i>	10-382
Sec. 3	<i>from passage</i>	10a-112
Sec. 4	<i>from passage</i>	19a-4j
Sec. 5	<i>from passage</i>	47-65
Sec. 6	<i>from passage</i>	47-66
Sec. 7	<i>from passage</i>	47-66g
Sec. 8	<i>from passage</i>	47-66i
Sec. 9	<i>from passage</i>	47-66j

ENV *Joint Favorable*