



General Assembly

February Session, 2008

Raised Bill No. 5141

LCO No. 1444

01444_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT CONCERNING A COMMISSION ON NATIVE AMERICAN
INDIAN AFFAIRS.**

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 Section 47-59b of the general statutes is repealed and the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 Indian Affairs Council, consisting
4 of one representative from each of the following Indian tribes: The
5 Schaghticoke, the Paucatuck Eastern Pequot, the Mashantucket
6 Pequot, the Mohegan and the Golden Hill Paugussett; to be appointed
7 by the respective tribes, and three persons appointed by the Governor
8 who are electors within the state but not elected or appointive officials
9 of the state or any of its political subdivisions and are not of Indian
10 lineage. Appointments made under this section shall be for terms of
11 three years. Each Indian tribe may designate from among its members
12 an alternate representative who may serve from time to time in place
13 of its appointive representative. Vacancies on said council shall be
14 filled by the respective appointing authority for the unexpired balance
15 of the term. The members of said council shall be compensated for
16 their services thereon at the rate of twenty-five dollars per day and

17 shall be reimbursed for their necessary expenses. Said council shall
18 provide services to the Indian reservation community of the state and
19 formulate programs suitable to its needs. The council may select an
20 executive director who shall serve at no expense to the state but may
21 be compensated with funds contributed by the tribes.

22 (b) The Indian Affairs Council shall review the regulations
23 governing Indian affairs in the state of Connecticut and advise the
24 Commissioner of Environmental Protection on promulgation of new
25 regulations. The council shall report annually, no later than September
26 first, to the Governor and the General Assembly on the activities of the
27 council and the state of affairs of the Indian people in the state.]

28 (a) There is established a Commission on Native American Indian
29 Affairs to promote unity and understanding among the Native
30 American Indian people of the state and to serve as a liaison between
31 the Native American Indian people of the state and tribal
32 governments, municipal and private sector entities, non-Native
33 American Indians, federal agencies and the legislative and executive
34 branches of state government. The commission shall consist of twenty
35 voting members, appointed as follows, each of whom shall be
36 knowledgeable in areas of interest and concern to Native American
37 Indians: Three members by the Governor, two members by the speaker
38 of the House of Representatives one of whom shall be from the
39 western region of the state and a nonindigenous Native American
40 Indian, two members by the president pro tempore of the Senate one
41 of whom shall be from the eastern region of the state and a
42 nonindigenous Native American Indian, one member by the majority
43 leader of the House of Representatives, one member by the minority
44 leader of the House of Representatives, one member by the majority
45 leader of the Senate, one member by the minority leader of the Senate,
46 one member from each of the following Indian tribes: The
47 Schaghticoke, the Paucatuck Eastern Pequot, the Mashantucket
48 Pequot, the Mohegan and the Golden Hill Paugussett, two members
49 by Native American Indian student organizations located at state

50 colleges or universities, one member by the Institute for American
51 Indian Studies and one member by the Native American Heritage
52 Advisory Council. The following shall be nonvoting members of the
53 commission: A representative from the Departments of Environmental
54 Protection, Social Services, Public Health, Transportation and Mental
55 Health and Addiction Services, the Insurance Department, the Labor
56 Department, the Archaeological Society of Connecticut, the
57 Association for the Study of Connecticut History, the Connecticut
58 Office of State Archaeology and the Historic Preservation and Museum
59 Division of the Connecticut Commission on Culture and Tourism.

60 (b) Each voting member of the commission shall be appointed for a
61 term of not more than three years from the date of his or her
62 appointment. Such members shall not serve more than two
63 consecutive terms. Members of the commission shall receive no
64 compensation for their services, except that members shall, within
65 available appropriations, be reimbursed for any necessary expenses
66 incurred in the performance of their duties. Any vacancy in the voting
67 membership of the commission shall be filled by the original
68 appointing authority for the balance of the unexpired term. Any
69 member absent from four consecutive meetings of the commission
70 shall be deemed to have resigned from the commission, effective
71 immediately.

72 (c) The Commissioner of Environmental Protection shall convene
73 the initial organizational meeting of the commission on or before
74 October 1, 2008. The voting members of the commission shall select a
75 chairperson and vice-chairperson from among the voting members of
76 the commission. The commission shall meet as often as deemed
77 necessary by the chairperson or a majority of the commission.

78 (d) The commission may, subject to the provisions of chapter 67,
79 employ any necessary staff and an executive director within available
80 appropriations.

81 (e) The commission may use such funds as may be available from

82 federal, state or other sources and may enter into contracts to carry out
83 the purposes of this section.

84 (f) The commission may adopt regulations, in accordance with
85 chapter 54, to carry out the provisions of this section.

86 (g) The commission shall be within the Legislative Department, for
87 administrative purposes only.

88 (h) The commission shall: (1) Prepare and issue an annual report to
89 the Governor, General Assembly, legislative body of each
90 municipality, and recognized tribal nations in the state on its findings
91 and recommendations concerning Native American Indian affairs in
92 the state; (2) conduct annual public hearings on issues affecting the
93 well-being of the Native American Indian population in the state; (3)
94 review and comment on any proposed state legislation and regulations
95 and Native American Indian law, that would affect the Native
96 American Indian population in the state; (4) study indigenous Native
97 American Indian tribes, archive all records of such tribes and
98 document the influence of such tribes on the state's history and
99 culture; (5) catalog and archive Native American Indian spiritual,
100 social and burial places; (6) develop public relations programs and
101 projects related to the cultural, educational and social development of
102 the state's Native American Indian communities and disseminate such
103 materials; (7) develop public projects to further the understanding of
104 Native American Indian communities; (8) promote cooperation among
105 Native American Indian communities; (9) serve as a state-wide
106 reference and resource center to increase public knowledge of state
107 Native American Indian history and heritage; (10) act as a liaison
108 between the Native American Indian communities, the state and
109 federal governments and educational and social service agencies; (11)
110 encourage Native American Indian representation at all levels of state
111 government, including state boards and commissions; (12) secure
112 appropriate recognition of the accomplishments and contributions of
113 the Native American Indian population of the state; (13) advocate on

114 behalf of Native American Indian persons who have been subject to
115 prejudice and discrimination or have experienced other human rights
116 issues; (14) investigate reports of potential damage to sacred or
117 significant places to the Native American Indian community; (15)
118 make recommendations to protect and facilitate access to spiritual,
119 social and burial places for Native American Indians in the state; and
120 (16) work with coroners to notify appropriate organizations when
121 Native American Indian remains are discovered.

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

124 There is established a Native American Heritage Advisory Council
125 to evaluate and make recommendations on the Native American
126 heritage to the State Archaeologist and the Connecticut Commission
127 on Arts, Tourism, Culture, History and Film. Such council shall consist
128 of the following members: One representing each of the following
129 Indian tribes, appointed by the tribe: The Schaghticoke, the Paucatuck
130 Eastern Pequot, the Mashantucket Pequot, the Mohegan and the
131 Golden Hill Paugussett; one representing the Commission on Native
132 American Indian Affairs, [Council,] appointed by the chairperson of
133 the council; one representing the Commissioner of Environmental
134 Protection, appointed by said commissioner; one representing the
135 Archaeological Society of Connecticut, appointed by the president pro
136 tempore of the Senate; and three who are knowledgeable in Native
137 American history, traditions and archaeology, one appointed by the
138 speaker of the House of Representatives, one appointed by the
139 minority leader of the House of Representatives and one appointed by
140 the minority leader of the Senate.

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

143 (a) Until such time as a State Archaeologist is appointed pursuant to
144 subsection (b) of this section, the trustees of The University of
145 Connecticut shall designate a member of the faculty of said university

146 to serve as State Archaeologist, who shall serve without additional
147 compensation. He shall conduct research in the ethnohistory of the
148 Indians of this region and of their archaeology, and shall cooperate
149 with agencies of this state and of the federal government and with
150 private individuals and corporations in an effort to protect and
151 preserve archaeological remains which are threatened with destruction
152 or loss by the construction of dams or highways or otherwise.

153 (b) The Board of Directors of the State Museum of Natural History
154 shall appoint a State Archaeologist and staff for the Office of
155 Archaeology established pursuant to section 10a-112a. The State
156 Archaeologist shall have the following powers and duties: (1) To
157 supervise the care and study of the archaeological collection of the
158 State Museum of Natural History; (2) to coordinate (A) the
159 archaeological salvage of properties threatened with destruction, (B)
160 public and private archaeological research and the encouragement of
161 the highest possible standards in archaeological investigations, and (C)
162 the preservation of native American and other human osteological
163 remains and cemeteries with the Connecticut Commission on Culture
164 and Tourism, the Office of the Chief Medical Examiner, the
165 Commission on Native American Indian Affairs [Council] and other
166 state agencies; (3) to conduct research on the state's prehistory and
167 history and disseminate the results of such research through
168 publications and other means; (4) to educate the public about the
169 significance and fragility of archaeological resources; (5) to respond to
170 inquiries about the state's archaeological resources; and (6) to maintain
171 comprehensive site files and maps.

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

174 (a) There is established, within the Department of Public Health, an
175 Office of Multicultural Health. The responsibility of the office is to
176 improve the health of all Connecticut residents by eliminating
177 differences in disease, disability and death rates among ethnic, racial

178 and cultural populations.

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

182 (c) The office shall:

183 (1) With regard to health status: (A) Monitor the health status of
184 African Americans; Latinos/Hispanics; Native Americans/Alaskan
185 Natives; and Asians, Native Hawaiians and other Pacific Islanders; (B)
186 compare the results of the health status monitoring with the health
187 status of non-Hispanic Caucasians/whites; and (C) assess the
188 effectiveness of state programs in eliminating differences in health
189 status;

190 (2) Assess the health education and health resource needs of ethnic,
191 racial and cultural populations listed in subdivision (1) of this
192 subsection; and

193 (3) Maintain a directory of, and assist in development and
194 promotion of, multicultural and multiethnic health resources in
195 Connecticut.

196 (d) The office may:

197 (1) Provide grants for culturally appropriate health education
198 demonstration projects and may apply for, accept and expend public
199 and private funding for such projects; and

200 (2) Recommend policies, procedures, activities and resource
201 allocations to improve health among racial, ethnic and cultural
202 populations in Connecticut.

203 (e) The Commissioner of Public Health shall submit an annual
204 report concerning the activities of the office to the Governor, the
205 General Assembly, the Permanent Commission on the Status of

206 Women established under section 46a-1, the Latino and Puerto Rican
207 Affairs Commission established under section 2-120, the Commission
208 on Native American Indian Affairs [Council] established under section
209 47-59b, as amended by this act, and the Connecticut African-American
210 Affairs Commission. The office shall also hold community workshops
211 and use other means to disseminate its findings state-wide.

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

214 (a) The Commissioner of Environmental Protection with the advice
215 of the Commission on Native American Indian Affairs [Council] shall
216 have the care and management of reservation lands. The commissioner
217 and the [council] commission shall establish the boundaries of such
218 reservations by land survey and shall file a map of the same in the land
219 records of the appropriate towns.

220 (b) All reservation buildings not privately owned shall be subject to
221 the care and management of the Commissioner of Environmental
222 Protection. The commissioner with the advice of the Commission on
223 Native American Indian Affairs [Council] shall, upon the petition of
224 the resident make major repairs and improvements to the exterior of
225 any such building and its heating, water, electric, sewage disposal and
226 plumbing systems as are necessary to insure habitable living
227 conditions. The resident of any building shall assume responsibility for
228 the interior maintenance of floors, walls and ceilings and minor
229 maintenance of the building and its heating, water, electric, sewage
230 disposal and plumbing systems, provided the commissioner shall
231 supply necessary materials for such systems.

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

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

243 (e) The Governor is hereby designated the administrative agent of
244 the state to apply for any funds or other aid, cooperate and enter into
245 contracts and agreements with the federal government, the Indian
246 Housing Authority or any other appropriate state or local agency for
247 the purpose of providing necessary services to housing projects to be
248 located on Indian reservations within the state of Connecticut or for
249 any other purpose which the Congress of the United States or the
250 General Assembly has authorized or may authorize for expenditures
251 compatible with the services provided for in this chapter. The
252 Governor is authorized in the name of the state to make all
253 applications, sign all documents, give assurances and do all other
254 things necessary to carry out the provisions of this chapter.

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

257 Tribal funds shall be under the care and control of the
258 Commissioner of Environmental Protection with the advice of the
259 Commission on Native American Indian Affairs [Council] and may be
260 used for the purposes set forth in section 47-65, as amended by this act.
261 Said commissioner shall annually settle his or her accounts of the
262 affairs of each tribe with the Comptroller, and his or her report to the
263 Governor shall furnish, with respect to each tribe, a statement of the
264 amount and condition of its fund, an estimate of the value of its lands
265 and the income annually received and the expenditures made by said
266 commissioner from such fund. Said commissioner may maintain an
267 action in his or her name to recover any property misappropriated
268 from a reservation.

269 Sec. 7. Section 47-66g of the general statutes is repealed and the

270 following is substituted in lieu thereof (*Effective from passage*):

271 The Commissioner of Environmental Protection with the advice of
272 the Commission on Native American Indian Affairs [Council] shall
273 manage the state's interest in Indian affairs not otherwise specified in
274 this chapter, including but not limited to, maintaining state
275 documents, providing information to tribal members and coordinating
276 governmental grant programs.

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

279 (a) Each tribal leader shall file with the Governor his or her name
280 and a written description of the method of selecting tribal leaders and
281 the process by which tribal leaders exercise their authority. The
282 Governor shall file such description with the Secretary of the State and
283 the Commission on Native American Indian Affairs [Council]
284 established under section 47-59b, as amended by this act.

285 (b) A leadership dispute shall be resolved in accordance with tribal
286 usage and practice. Upon request of a party to a dispute, the dispute
287 may be settled by a council. Each party to the dispute shall appoint a
288 member to the council and the parties shall jointly appoint one or two
289 additional members provided the number of members of the council
290 shall be an odd number. If the parties cannot agree on any joint
291 appointment, the Governor shall appoint any such member who shall
292 be a person knowledgeable in Indian affairs. The decision of the
293 council shall be final on substantive issues. An appeal may be taken to
294 the Superior Court to determine if provisions of the written description
295 filed with the Secretary of the State pursuant to this section have been
296 followed. If the court finds that the dispute was not resolved in
297 accordance with the provisions of the written description, it shall
298 remand the matter with instructions to reinstitute proceedings, in
299 accordance with such provisions.

300 Sec. 9. Section 47-66j of the general statutes is repealed and the

301 following is substituted in lieu thereof (*Effective from passage*):

302 (a) On or before March 15, 1990, and annually thereafter, the tribal
 303 leader selected in accordance with the method filed under section 47-
 304 66i, as amended by this act, shall file a copy of the rules for tribal
 305 membership and government and a current membership roll with the
 306 Governor. The membership rules may include provisions for
 307 revocation of membership. The Governor shall file the rules and
 308 membership roll with the Secretary of the State and the Commission
 309 on Native American Indian Affairs [Council] established under section
 310 47-59b, as amended by this act.

311 (b) A membership dispute shall be resolved in accordance with
 312 tribal usage and practice. Upon request of a party to a dispute, the
 313 dispute may be settled by a council. Each party to the dispute shall
 314 appoint a member of the council and the parties shall jointly appoint
 315 one or two additional members provided the number of members of
 316 the council shall be an odd number. If the parties cannot agree on any
 317 joint appointment, the Governor shall appoint such member who shall
 318 be a person knowledgeable in Indian affairs. The decision of the
 319 council shall be final on substantive issues but an appeal may be taken
 320 to the Superior Court to determine if membership rules filed in the
 321 office of the Secretary of the State pursuant to this section have been
 322 followed. If the court finds that the dispute was not resolved in
 323 accordance with the provisions of the written description, it shall
 324 remand the matter with instructions to reinstitute proceedings, in
 325 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

Statement of Purpose:

To establish a Commission on Native American Indian Affairs to replace the Indian Affairs Council.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]