



General Assembly

**Substitute Bill No. 5141**

February Session, 2008

\*        HB05141LM        050108        \*

**AN ACT CONCERNING A COMMISSION ON 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 Section 47-59b of the general statutes is repealed and the  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 American Indian Affairs to  
29 promote unity and understanding among the American Indian people  
30 and communities of the state and to serve as a liaison between the  
31 American Indian people of the state and tribal governments, municipal  
32 and private sector entities, non-American Indians, federal agencies and  
33 the legislative and executive branches of state government. The  
34 commission shall consist of fifteen voting members who are  
35 knowledgeable in areas of interest and concern to American Indians  
36 and are appointed as follows: Two members by the Governor, two  
37 members by the speaker of the House of Representatives, two  
38 members by the president pro tempore of the Senate, one member by  
39 the majority leader of the House of Representatives, one member by  
40 the minority leader of the House of Representatives, one member by  
41 the majority leader of the Senate, one member by the minority leader  
42 of the Senate and one member from each of the following Indian tribes:  
43 The Schaghticoke, the Paucatuck Eastern Pequot, the Mashantucket  
44 Pequot, the Mohegan and the Golden Hill Paugussett. The commission  
45 shall appoint a total of seven nonvoting members by majority vote  
46 from among the following: The Departments of Environmental  
47 Protection, Social Services, Public Health, Transportation, Mental  
48 Health and Addiction Services, Insurance, Labor, Veterans' Affairs,  
49 and Education, the Archaeological Society of Connecticut, the  
50 Association for the Study of Connecticut History, the Connecticut  
51 Library Association, the Mashantucket Pequot Museum and Research  
52 Center, the Institute of American Indian Studies or from among  
53 individuals knowledgeable in areas of interest and concern to

54 American Indians.

55 (b) Except as specified in subsection (c) of this section, each voting  
56 and nonvoting member of the commission shall be appointed for a  
57 term of three years from the date of his or her appointment. Such  
58 members shall not serve more than two consecutive terms. Members of  
59 the commission shall receive no compensation for their services, except  
60 that members shall, within available appropriations, be reimbursed for  
61 any necessary expenses incurred in the performance of their duties.  
62 Any vacancy in the voting membership of the commission shall be  
63 filled by the original appointing authority for the balance of the  
64 unexpired term. Any member absent from three consecutive meetings  
65 of the commission shall be deemed to have resigned from the  
66 commission, effective immediately.

67 (c) For the initial appointments of voting members, five of such  
68 members shall be appointed for a three-year term, five for a four-year  
69 term and five for a five-year term. For the initial appointments of  
70 nonvoting members, two of such members shall be appointed for a  
71 one-year term, two for a two-year term and three for a three-year term.  
72 After the initial terms of both voting and nonvoting members have  
73 expired, such members shall be appointed pursuant to subsection (b)  
74 of this section.

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

81 (e) The commission may, subject to the provisions of chapter 67,  
82 employ any necessary staff and an executive director within available  
83 appropriations.

84 (f) The commission may use such funds as may be available from  
85 federal, state or other sources and may enter into contracts to carry out

86 the purposes of this section.

87 (g) The commission may adopt regulations, in accordance with  
88 chapter 54, to carry out the provisions of this section.

89 (h) The commission shall be within the Legislative Department, for  
90 administrative purposes only.

91 (i) The commission shall: (1) Prepare and issue, in accordance with  
92 section 11-4a, an annual report to the Governor, General Assembly,  
93 legislative body of each municipality, and recognized tribal nations in  
94 the state on its findings and recommendations concerning American  
95 Indian affairs in the state; (2) conduct annual public hearings on issues  
96 affecting the well-being of the American Indian population in the state;  
97 (3) review and comment on any proposed state legislation and  
98 regulations and American Indian law, that would affect the American  
99 Indian population in the state; (4) develop public relations programs  
100 and projects related to the cultural, educational and social  
101 development of the state's American Indian communities and  
102 disseminate related materials and develop public projects to further  
103 understanding of American Indian communities; (5) serve as a state-  
104 wide reference and resource center to increase public knowledge of  
105 American Indian history and heritage and document American Indian  
106 influence on history and culture in the state; (6) act as a liaison between  
107 the American Indian communities, the state and federal governments  
108 and educational and social service agencies; (7) encourage American  
109 Indian representation at all levels of state government, including state  
110 boards and commissions; (8) secure appropriate recognition of the  
111 accomplishments and contributions of the American Indian population  
112 of the state; (9) advocate on behalf of American Indian persons who  
113 have been subject to prejudice and discrimination or have experienced  
114 other human rights violations; (10) investigate reports of potential  
115 damage to sacred or significant items or places to the American Indian  
116 community; (11) make recommendations to protect and facilitate  
117 access to spiritual, social and burial places for American Indians in the  
118 state; and (12) work with and notify the Chief State's Medical

119 Examiner, the Office of State Archeology and the American Heritage  
120 Advisory Council when American Indian remains are discovered.

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

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

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

142 (a) Until such time as a State Archaeologist is appointed pursuant to  
143 subsection (b) of this section, the trustees of The University of  
144 Connecticut shall designate a member of the faculty of said university  
145 to serve as State Archaeologist, who shall serve without additional  
146 compensation. He shall conduct research in the ethnohistory of the  
147 Indians of this region and of their archaeology, and shall cooperate  
148 with agencies of this state and of the federal government and with  
149 private individuals and corporations in an effort to protect and  
150 preserve archaeological remains which are threatened with destruction

151 or loss by the construction of dams or highways or otherwise.

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

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

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

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

181 (c) The office shall:

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

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

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

195 (d) The office may:

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

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

202 (e) The Commissioner of Public Health shall submit an annual  
203 report concerning the activities of the office to the Governor, the  
204 General Assembly, the Permanent Commission on the Status of  
205 Women established under section 46a-1, the Latino and Puerto Rican  
206 Affairs Commission established under section 2-120, the Commission  
207 on American Indian Affairs [Council] established under section 47-59b<sub>2</sub>,  
208 as amended by this act, and the Connecticut African-American Affairs  
209 Commission. The office shall also hold community workshops and use  
210 other means to disseminate its findings state-wide.

211 Sec. 5. Section 47-65 of the general statutes is repealed and the

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

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

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

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

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

242 (e) The Governor is hereby designated the administrative agent of  
243 the state to apply for any funds or other aid, cooperate and enter into

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

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

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

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

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

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

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

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

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

301 (a) On or before March 15, 1990, and annually thereafter, the tribal  
302 leader selected in accordance with the method filed under section 47-  
303 66i, as amended by this act, shall file a copy of the rules for tribal  
304 membership and government and a current membership roll with the  
305 Governor. The membership rules may include provisions for  
306 revocation of membership. The Governor shall file the rules and  
307 membership roll with the Secretary of the State and the Commission

308 on American Indian Affairs [Council] established under section 47-59b<sub>2</sub>  
 309 as amended by this act.

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

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|---|---------------------|---------|
| 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 Subst.*

**LM**        *Joint Favorable*