

2023 Regular Session

SENATE RESOLUTION NO. 161

BY SENATOR CLOUD

INDIAN AFFAIRS. Reestablishes the Task Force on State Recognition of Indian Tribes.

1 A RESOLUTION

2 To reestablish the Task Force on State Recognition of Indian Tribes to develop and make
3 recommendations on formal state recognition criteria.

4 WHEREAS, in *United States v. Sandoval*, 231 U.S. 28 (1913), the United States
5 Supreme Court concluded that recognizing a group as a "tribe" without properly vetting its
6 claims to tribal status may violate the United States Constitution; and

7 WHEREAS, several groups have recently sought state recognition of their claims for
8 state tribal status; and

9 WHEREAS, denial of those groups seeking state recognition was largely due to the
10 lack of formal state recognition criteria; and

11 WHEREAS, during the 2022 Regular Session of the Louisiana Legislature, the
12 Senate adopted Senate Resolution No. 198 creating the Task Force on State Recognition of
13 Indian Tribes; and

14 WHEREAS, the task force met several times but was unable to finish its business.

15 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
16 does hereby reestablish and provide for the Task Force on State Recognition of Indian Tribes
17 to develop criteria to use in properly vetting these applications, and to propose
18 recommendations, together with specific proposals for legislation, by written report to the

1 Louisiana Senate and to the David R. Poynter Legislative Research Library as required by
2 R.S. 24:771 and 772, no later than March 1, 2024.

3 BE IT FURTHER RESOLVED that the task force should include consideration of
4 the seven criteria used by the federal government for consideration of groups seeking federal
5 recognition as an Indian tribe when developing a formal process for state recognition.

6 BE IT FURTHER RESOLVED that the task force shall consist of the following
7 members:

8 (1) Two members of the Senate appointed by the president.

9 (2) The chair of the Senate Committee on Judiciary B or his designee who is a
10 member of the committee.

11 (3) The governor's director of Indian Affairs or his designee.

12 (4) The attorney general or his designee.

13 BE IT FURTHER RESOLVED that each designating authority shall submit the
14 names of designees to the task force to the president of the Senate no later than
15 August 1, 2023.

16 BE IT FURTHER RESOLVED the task force shall convene for its first meeting no
17 later than September 15, 2023, at the call of the chair of the Senate Committee on Judiciary
18 B, and at the first meeting, the members shall elect a chairman and other officers as the task
19 force may deem appropriate.

20 BE IT FURTHER RESOLVED that in conducting this study, the task force will seek
21 input and advice from the following:

22 (1) Indian tribes currently recognized by the federal government.

23 (2) Indian tribes currently recognized by the state.

24 (3) The governor's office of Indian Affairs.

25 (4) The United States Department of the Interior, Bureau of Indian Affairs.

26 (5) The Native American Commission created by R.S. 46:2305.

27 (6) Any person knowledgeable in American Indian law.

28 (7) Any person or group currently seeking state recognition of tribal status.

29 BE IT FURTHER RESOLVED that a majority of the task force shall constitute a
30 quorum for the transaction of business, and all official actions of the task force shall require

1 the affirmative vote of a majority of the members.

2 BE IT FURTHER RESOLVED that the members of the task force shall serve
3 without compensation, except per diem or expenses reimbursement to which they may be
4 individually entitled as members of their constituent organizations.

5 BE IT FURTHER RESOLVED that the legislative staff for the Senate Committee
6 on Judiciary B and the governor's office of Indian Affairs shall provide staff support for the
7 task force.

8 BE IT FURTHER RESOLVED that the task force shall terminate on the date of the
9 submission of its report or March 1, 2024, whichever occurs first.

10 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
11 assistant secretary of Indian Affairs, United States Department of the Interior, the director
12 of the governor's office of Indian Affairs, the chair of the Native American Commission, and
13 the attorney general.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

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Reestablishes the Task Force on State Recognition of Indian Tribes.