
DIGEST

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Harrison

HB No. 441

Abstract: Abolishes the Governor's Office of Indian Affairs and creates and provides for the Commission on Indian Affairs as its successor.

Present law creates the Governor's Office of Indian Affairs as a state agency in the office of the governor under provisions that retain its policy-making powers. Provides that the office is administered by an executive director who serves at the governor's pleasure and who employs necessary staff.

Present law provides the following powers and duties for the Office of Indian Affairs:

- (1) Administer the programs relative to La. Indians.
- (2) Collect facts and statistics and conduct special studies of conditions pertaining to the employment, health, education, financial status, recreation, social adjustment, or other conditions affecting the welfare of the Indian people.
- (3) Provide for a mutual exchange of ideas and information on national, state, and local levels.
- (4) Make recommendations to the governor and to the legislature for needed improvements and additional resources to promote the welfare of Indians.
- (5) Coordinate the services of all agencies in the state serving Indians and require reports from such state agencies and institutions.
- (6) Serve as the state's official negotiating agent upon which federally recognized tribes in the state may serve notice of any request to negotiate state tribal compacts.
- (7) Make recommendations to the governor for the composition of the negotiating team for the state.
- (8) Make recommendations regarding proposed compacts and submit them to the governor for his approval and signature.
- (9) Prepare and submit an annual report to the legislature and to the governor.

- (10) Adopt and promulgate rules and regulations that are deemed necessary to implement the provisions of present law.

Proposed law abolishes the Governor's Office of Indian Affairs and creates the Commission on Indian Affairs as a state agency in the office of the governor under provisions that retain its policy-making powers. Provides that the commission shall have 14 members, one member appointed by each of the following tribes or bands in La.:

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

Proposed law provides for staggered four-year terms for commission members. Provides that the commission shall elect from its membership a chairman and such other officers it deems necessary, adopt rules for the transaction of its business, and keep records. Provides that eight members shall constitute a quorum, and that the commission domicile shall be East Baton Rouge Parish. Requires commission meetings at least once a quarter and as deemed necessary by the chairman. Provides for members to receive a per diem of \$100 for attendance at meetings of the commission and its committees and be reimbursed for actual travel and other expenses in the performance of their duties in accordance with travel regulations of the division of administration.

Proposed law provides that the commission shall be administered by an executive director appointed by the commission to serve at its pleasure who shall employ necessary staff. Replaces the executive director of the abolished office with the executive director of the commission as a member of the interoperability subcommittee of the Unified Command Group.

Proposed law grants the commission the powers provided in present law for the abolished office, except:

- (1) Present law provides that the office serve as the state's official negotiating agent upon which federally recognized tribes in the state may serve notice of any request to negotiate state tribal compacts. Proposed law removes reference to the commission being the state's official *negotiating* agent.
- (2) Present law provides that the office makes recommendations to the governor for the composition of the negotiating team for the state. Proposed law instead provides that the commission recommends individuals with expertise in Indian affairs with whom the governor may consult regarding proposed compacts.
- (3) Proposed law retains present law granting the commission power to make recommendations regarding proposed compacts but removes present law power of the office to submit them to the governor for his approval and signature.

Proposed law also provides for the commission to be responsible for functions of the abolished office relative to special prestige license plates for the Native American culture and use of funds derived therefrom for academic or financial need-based scholarships for students of Native American ancestry.

Proposed law provides that the office is abolished and the commission created on Aug. 1, 2014, and the commission shall be the successor of the abolished office. Provides for the transfer to the commission of all unfinished business, references in laws and documents, employees, property, obligations, funds and appropriations, and books and records of the office. Provides for the governor to notify the Indian tribes and bands who are to make appointments to the commission and coordinate and facilitate the appointment of the initial members of the commission prior to Aug. 1, 2014.

Effective Aug. 1, 2014, except provisions for the governor to facilitate the appointment of initial members and for the commission to be the successor of the office are effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 29:725.6(B)(6)(a)(i)(ii), R.S. 36:4(G), the heading of Chapter 31 of Title 46 of the La. Revised Statutes of 1950, R.S. 46:2301 and 2302(intro. para.), (6), (7), and (8), and R.S. 47:463.78(A) and (D)(1) and (3))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Instead of granting the commission the same powers as the abolished office, grants the commission the same powers with two exceptions:
 - a. Provides for the commission to serve as the state's official agent upon which federally recognized tribes may serve notice of a request to negotiate state tribal compacts, but does not make the commission the state's official *negotiating* agent.
 - b. Grants the commission power to make recommendations regarding proposed compacts but does not grant the commission present law power of the office to submit them to the governor for his approval and signature.

House Floor Amendments to the engrossed bill.

1. Provides for the commission to be a state agency in the office of the governor under provisions that retain its policy-making powers, instead of an independent agency in the Dept. of State, and provides for the governor instead of the secretary of state to facilitate appointment of initial commission members.
2. Provides for the commission to recommend individuals with expertise in Indian affairs with whom the governor may consult regarding proposed compacts instead of providing for the commission to make recommendations to the governor for the composition of the negotiating team for the state.