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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND
AMERICAN INDIAN AFFAIRS COMMISSION ACT OF 2018

Introduced By: Representatives Craven, and McEntee

Date Introduced: January 03, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 160

4 THE RHODE ISLAND AMERICAN INDIAN AFFAIRS COMMISSION ACT OF 2018

5 **42-160-1. Short Title.**

6 This chapter shall be known and may be cited as the "Rhode Island American Indian
7 Affairs Commission Act of 2018".

8 **42-160-2. Definitions.**

9 As used in this chapter, the following words and phrases have the following meanings:

10 (1) "American Aborigine" means an original inhabitant of the Americas, more commonly
11 referred to as an American Indian.

12 (2) "Commission" means the Rhode Island American Indian affairs commission.

13 (3) "Disparities" means the preventable inequalities in health, social and jurisdictional
14 status, including the incidence, prevalence, mortality, and burden of diseases and other adverse
15 health conditions, lack of enumeration and racial misclassification that exist among American
16 Indian population groups in Rhode Island. Disparities are impacted by social determinants which
17 include, but are not limited to, access to services, quality of services, health behaviors,
18 environmental exposures, lack of enumeration and racial misclassification.

1 (4) "Indian" means any individual of American Indian or Alaska Native lineage or
2 descent who meets the criteria as defined in Section 2-1.2A of the Indian Health Service's Indian
3 Health Manual (The Federal Health Program for American Indians and Alaska Natives) which
4 consists of:

5 (i) Membership, enrolled or otherwise, in an AI/AN federally-recognized tribe or group
6 under federal supervision;

7 (ii) Resides on tax-exempt land or owns restricted property;

8 (iii) Actively participates in tribal affairs;

9 (iv) Any other reasonable factor indicative of Indian descent.

10 (5) "Indian tribe" means any Indian tribe, band, nation, or other organized group or
11 community, including any Alaska Native village or group or regional or village corporation as
12 defined in or established pursuant to the Alaska Native Claims Settlement Act (43 USC 1601-
13 1624) -- Public Law 92-203, approved December 18, 1971 (85 Stat. 688), and repeatedly
14 amended, which is recognized as eligible for the special programs and services provided by the
15 United States to Indians because of their status as Indians.

16 (6) "Jurisdictional integrity" means lack of enumeration as or racial misclassification as
17 other than an Indian.

18 **42-160-3. Purpose and findings and creation of commission.**

19 (a) The general assembly finds that:

20 (1) The state acknowledges the universal right to self-determination, which affords all
21 individuals the human right to a status, classification and nationality that is lawful, appropriate
22 and can be substantiated through historical and ancestral lineage, heritage and documentation;

23 (2) The state acknowledges a unique history and jurisdictional relationship with and
24 responsibility to individuals of American Aborigine and Urban Indian lineage and heritage,
25 classified historically and collectively as American Indian, regardless of federal recognition status
26 in the state of Rhode Island and the Americas;

27 (3) The state acknowledges that there are challenges and issues commonly faced by
28 American Indians, as a result of colonization, forced assimilation, and racial misclassification in
29 particular, that have had lasting, ongoing and negative impacts on American Indian populations
30 inhabiting or residing in the state;

31 (4) The state acknowledges that it is lawful, appropriate and necessary to investigate
32 these challenges and issues and to proactively assist and aid in their resolution and remedy in
33 order to promote the public safety, health, wellness, welfare and political and economic
34 sustainability, viability and development of both the American Indian populations and general

1 residents of the state:

2 (5) Federal, constitutional and international law, specifically the American Declaration on
3 the Rights of Indigenous People (ADRIP) and the United Nations Declaration on the Rights of
4 Indigenous People (UNDRIP), mandate specific protections for and address matters of human
5 rights, including jurisdictional integrity, environmental resource protection, culture, history and
6 heritage preservation and development, education, economic viability, sustainability and
7 development, and safeguarding and cultivation of tribal rights, traditions, practices and customs,
8 for indigenous populations of the Americas, American Indians described;

9 (6) The general assembly acknowledges that a healthy and positive relationship with its
10 American Indian population is appropriate, necessary and beneficial to creating a more positive,
11 productive and sustainable future;

12 (b) There is hereby created the Rhode Island American Indian affairs commission.

13 **42-160-4. Establishment.**

14 The commission shall consist of a minimum of nine (9) members. There shall be a
15 minimum of four (4) members representing the Member Nations of the Federation of Aboriginal
16 Nations of America that are aboriginal and indigenous to the territories within the boundaries of
17 the state (Pokanoket Tribe, Mashapaug Nahaganset Tribe, Usquepaug Nehantick-Nahaganset
18 Tribe, Ninigret Nehantick Nahaganset Tribe), and enlarged in accordance with additional FANA
19 member nations that meet these criteria; one member representing the Narragansett Indian Tribe;
20 one member representing the Urban Indian Organization of the Americas; two (2) members
21 representing the Rhode Island Indian Council, Inc.; and one member appointed by the governor of
22 the state of Rhode Island. All commission members shall serve without compensation, and shall
23 be appointed for a term of three (3) years. Commission members may be reappointed for an
24 additional three (3) year term; provided, that no member shall serve more than three (3)
25 consecutive terms, regardless of the total number of years served, or a maximum of nine (9)
26 consecutive years, after which an individual shall be ineligible for membership for a period of one
27 term or three (3) years. In addition, one member of the house, appointed by the speaker of the
28 house, and one member of the senate, appointed by the senate president, shall serve but shall not
29 have the power to vote on any matter addressed by the RIAIAC.

30 **42-160-5. Meetings of the commission.**

31 The commission shall meet at least six (6) times annually, but may meet as often as it
32 deems necessary for the proper conduct of its affairs, and shall elect from its membership a
33 chairperson and such other officers as may be required, each to serve for a term of one year. All
34 meetings of the commission shall be open to the public and shall be publicized, and for the

1 notices to be sent to the affected governing tribal councils no less than thirty (30) days before
2 each meeting.

3 **42-160-6. Powers and duties of the commission.**

4 (a) The commission shall be empowered to:

5 (1) Review and comment on any proposed state legislation and regulations that would
6 impact the American Indian populations in the state affected by racial, ethnic, cultural,
7 environmental, socio-economic, linguistic, educational, equity or health disparities due to matters
8 of jurisdictional integrity, and to ensure compliance of proposed state legislation and regulations
9 with federal law, constitutional law, and international human rights instruments such as the
10 American Declaration on the Rights of Indigenous People and the United Nations Declaration on
11 the Rights of Indigenous People;

12 (2) Educate state and municipal agencies on matters of jurisdictional integrity and
13 disparities affecting American Indians, including historical, legal, lawful, economic, educational
14 and social factors that play a role in creating or maintaining these disparities;

15 (3) Assist in communications between federal, state and municipal government officials
16 and all American Aboriginal, American Indian and Native American Indian governments who
17 have historical, legal or political interests in the state.

18 (4) Advise federal, state and municipal government officials on matters of jurisdiction
19 and disparities affecting American Indians, and advocate for the integration and coordination of
20 all activities of the state in compliance with federal law, constitutional law, and international
21 human rights instruments such as the American Declaration on the Rights of Indigenous People
22 and the United Nations Declaration on the Rights of Indigenous People. In providing such
23 advisement and support, the commission shall carry on a continuous assessment process to:

24 (i) Work collaboratively with pertinent federal, state and municipal government officials
25 to properly identify American Indian populations experiencing racial, ethnic, cultural,
26 environmental, socio-economic, linguistic, educational, equity or health disparities due to matters
27 of jurisdictional integrity;

28 (ii) Identify problems in service delivery to populations experiencing racial, ethnic,
29 cultural, environmental, socio-economic, linguistic, educational, equity or health disparities due
30 to matters of jurisdictional integrity;

31 (iii) Recommend solutions for improving the operation and efficiency of service delivery
32 programs targeting American Indian populations experiencing racial, ethnic, cultural,
33 environmental, socio-economic, linguistic, educational, equity or health disparities due to matters
34 of jurisdictional integrity;

1 (iv) Recommend strategies to create opportunities for economic development and
2 sustainability for American Indian populations in the state;

3 (5) Advise and provide information to the governor, the general assembly and the
4 municipalities on the state's policies concerning American Indian populations in the state affected
5 by racial, ethnic, cultural, environmental, socio-economic, linguistic, educational, equity or health
6 disparities due to matters of jurisdictional integrity;

7 (6) Advise and provide information to the governor, the general assembly and the
8 municipalities concerning national and international developments concerning the human, civil,
9 indigenous, aboriginal and treaty rights of American Indians in the state;

10 (7) Work with appropriate municipal, state and federal departments to enumerate the
11 American Indian populations of the state at least once every ten (10) years;

12 (8) Evaluate state and municipal policies, procedures, activities, and resource allocations
13 to eliminate racial, ethnic, cultural, environmental, socio-economic, linguistic, educational, equity
14 or health disparities due to matters of jurisdictional integrity;

15 (9) Explore other successful programs in other sectors and states that may diminish or
16 address racial, ethnic, cultural, environmental, socio-economic, linguistic, educational, equity or
17 health disparities due to matters of jurisdictional integrity affecting American Indians in the state;

18 (10) Provide appropriate supports and resources to American Indian organizations and
19 individuals in the state to facilitate positive and strong relationships with agencies of state and
20 local government;

21 (11) Draft and recommend proposed legislation, regulations and other policies designed
22 to address racial, ethnic, cultural, environmental, socio-economic, linguistic, educational, equity
23 or health disparities due to matters of jurisdictional integrity affecting American Indians in the
24 state;

25 (12) Prepare a biennial jurisdiction and disparities impact and evaluation report
26 highlighting progress and challenges in achieving its mission;

27 (13) It shall send said report to the legislature, and shall file a copy thereof with the clerks
28 of the senate and house of representatives on or before the last Wednesday in January of each
29 reporting year; and

30 (14) Have the authority to conduct hearings and interviews, and receive testimony
31 regarding matters pertinent to its mission.

32 (b) All municipal and state departments and agencies shall furnish such advice and
33 information, documentary and otherwise, to said commission and its agents as is deemed
34 necessary or desirable by the commission to facilitate the purposes of this section.

1 SECTION 2. Section 40-1-10 of the General Laws in Chapter 40-1 entitled "Department
2 of Human Services" is hereby amended to read as follows:

3 **40-1-10. Transfer of functions from the department of community affairs.**

4 (a) There is hereby transferred to the department of human services those functions
5 formerly administered by the department of community affairs relating to:

- 6 (1) Administrative support to federal grants;
- 7 (2) Community services block grants;
- 8 (3) Domestic violence project;
- 9 (4) Community agency liaison and funding (women and human services);
- 10 (5) Community agency liaison and funding (energy and community services);
- 11 (6) Displaced homemaker centers;
- 12 (7) Federal surplus commodity distribution;
- 13 (8) Health center grants;
- 14 (9) Community action fund;
- 15 ~~(10) Commission on Indian affairs.~~

16 (b) In addition to any of its other powers and responsibilities, the department is
17 authorized and empowered to accept any grants made available by the United States government
18 or any agency thereof, and the department, with the approval of the governor, is authorized and
19 empowered to perform such acts and enter into all necessary contracts and agreements with the
20 United States or any agency thereof as may be necessary in such manner and degree as shall be
21 deemed to be in the best interests of the state. The proceeds of grants so received shall be paid to
22 the general treasurer of the state and by him or her deposited in a separate fund and shall be
23 utilized for the purposes of the grant or grants.

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE RHODE ISLAND
AMERICAN INDIAN AFFAIRS COMMISSION ACT OF 2018

- 1 This act would establish the Rhode Island American Indian affairs commission.
- 2 This act would take effect upon passage.

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