

Senate Study Bill 3101

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the establishment of a commission on the
2 status of Native Americans within the department of human
3 rights.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 5717XL 82
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1 1 Section 1. Section 216A.1, Code 2007, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 9. Division on the status of Native
1 4 Americans.

1 5 Sec. 2. NEW SECTION. 216A.161 DEFINITIONS.

1 6 For purposes of this subchapter, unless the context
1 7 otherwise requires:

1 8 1. "Administrator" means the administrator of the division
1 9 on the status of Native Americans.

1 10 2. "Commission" means the commission on the status of
1 11 Native Americans.

1 12 3. "Division" means the division on the status of Native
1 13 Americans of the department of human rights.

1 14 Sec. 3. NEW SECTION. 216A.162 ESTABLISHMENT.

1 15 1. A commission on the status of Native Americans is
1 16 established consisting of eleven voting members appointed by
1 17 the governor, subject to confirmation by the senate. The
1 18 members of the commission shall appoint one of the members to
1 19 serve as chairperson of the commission.

1 20 2. The members of the commission shall be as follows:

1 21 a. Seven public members appointed in compliance with
1 22 sections 69.16 and 69.16A who shall be appointed with
1 23 consideration given to the geographic residence of the member
1 24 and the population density of Native Americans within the
1 25 vicinity of the geographic residence of a member. Of the
1 26 seven public members appointed, at least one shall be a Native
1 27 American who is an enrolled tribal member living on a tribal
1 28 settlement or reservation in Iowa and whose tribal government
1 29 is located in Iowa.

1 30 b. Four members representing each of the following tribal
1 31 governments which hold land in Iowa:

1 32 (1) Sac and Fox tribe of the Mississippi in Iowa.

1 33 (2) Omaha tribe of Nebraska.

1 34 (3) Winnebago tribe of Nebraska.

1 35 (4) Ponca tribe of Nebraska.

2 1 Sec. 4. NEW SECTION. 216A.163 TERM OF OFFICE.

2 2 Five of the members appointed to the initial commission
2 3 shall be designated by the governor to serve two-year terms,
2 4 and six shall be designated by the governor to serve four-year
2 5 terms. Succeeding appointments shall be for a term of four
2 6 years. Vacancies in the membership shall be filled for the
2 7 remainder of the term of the original appointment.

2 8 Sec. 5. NEW SECTION. 216A.164 MEETINGS OF THE
2 9 COMMISSION.

2 10 The commission shall meet at least four times each year,
2 11 and shall hold special meetings on the call of the
2 12 chairperson. The commission shall adopt rules pursuant to
2 13 chapter 17A as it deems necessary for the conduct of its
2 14 business. The members of the commission shall be reimbursed
2 15 for actual expenses while engaged in their official duties. A
2 16 member may also be eligible to receive compensation as
2 17 provided in section 7E.6.

2 18 Sec. 6. NEW SECTION. 216A.165 DUTIES.

2 19 The commission shall have all powers necessary to carry out

2 20 the functions and duties specified in this subchapter and
2 21 shall do all of the following:

- 2 22 1. Advise the governor and the general assembly on issues
2 23 confronting Native American persons in this state.
- 2 24 2. Advise the governor and the general assembly of
2 25 administrative and legislative changes necessary to ensure
2 26 Native American persons access to benefits and services
2 27 provided to people in this state.
- 2 28 3. Recommend to the governor and the general assembly any
2 29 revisions in the state's affirmative action program and other
2 30 steps necessary to eliminate underutilization of Native
2 31 American persons in the state's workforce.
- 2 32 4. Recommend legislation to the governor and the general
2 33 assembly designed to improve the economic and social condition
2 34 of Native American persons in this state.
- 2 35 5. Serve as a conduit to state government for
3 1 organizations of and tribes consisting of Native American
3 2 persons in this state.
- 3 3 6. Serve as a referral agency to assist Native American
3 4 persons in securing access to state agencies and programs.
- 3 5 7. Serve as a liaison with federal, state, and local
3 6 governmental units, and private organizations on matters
3 7 relating to Native American persons in this state.
- 3 8 8. Perform or contract for the performance of studies
3 9 designed to suggest solutions to the problems of Native
3 10 American persons in the areas of education, employment, human
3 11 rights, health, housing, social welfare, and other related
3 12 areas.
- 3 13 9. Implement programs designed to solve the problems of
3 14 Native American persons when authorized by law.
- 3 15 10. Publicize the accomplishments of Native American
3 16 persons and their contributions to this state.
- 3 17 11. Work with other state, tribal, and federal agencies
3 18 and organizations to develop small business opportunities and
3 19 promote economic development for Native American persons.

3 20 Sec. 7. NEW SECTION. 216A.166 REVIEW OF GRANT
3 21 APPLICATIONS AND BUDGET REQUESTS.
3 22 Before the submission of an application, a state department
3 23 or agency shall consult with the commission concerning an
3 24 application for federal funding that will have its primary
3 25 effect on Native American persons. The commission shall
3 26 advise the governor, the director of the department of human
3 27 rights, and the director of revenue concerning any state
3 28 agency budget request that will have its primary effect on
3 29 Native American persons.

3 30 Sec. 8. NEW SECTION. 216A.167 ADDITIONAL DUTIES AND
3 31 AUTHORITY == LIMITATIONS.

- 3 32 1. The commission shall have responsibility for the budget
3 33 of the commission and the division and shall submit the budget
3 34 to the director of the department of human rights as provided
3 35 in section 216A.2, subsection 2.
- 4 1 2. The commission may do any of the following:
 - 4 2 a. Enter into contracts, within the limit of funds made
4 3 available, with individuals, organizations, and institutions
4 4 for services.
 - 4 5 b. Accept gifts, grants, devises, or bequests of real or
4 6 personal property from the federal government or any other
4 7 source for the use and purposes of the commission.
 - 4 8 3. The commission shall not have the authority to
4 9 implement or administer the duties of the state of Iowa under
4 10 the federal Indian Gaming Regulatory Act and shall not have
4 11 any authority to negotiate, administer, or enforce any
4 12 agreement or compact entered into between the state of Iowa
4 13 and Indian tribes located in the state pursuant to section
4 14 10A.104.
- 4 15 Sec. 9. NEW SECTION. 216A.168 ADMINISTRATOR.
4 16 The commission shall designate the duties and obligations
4 17 of the position of administrator. The administrator shall
4 18 carry out programs and policies as determined by the
4 19 commission. The administrator may employ other persons
4 20 necessary to carry out the programs of the division.
- 4 21 Sec. 10. NEW SECTION. 216A.169 STATE AGENCY ASSISTANCE.
4 22 On the request of the commission, state departments and
4 23 agencies may supply the commission with advisory staff
4 24 services on matters relating to the jurisdiction of the
4 25 commission. The commission shall cooperate and coordinate its
4 26 activities with other state agencies to the highest possible
4 27 degree.
- 4 28 Sec. 11. NEW SECTION. 216A.170 ANNUAL REPORT.
4 29 Not later than February 1 of each year, the commission
4 30 shall file a report in an electronic format with the governor

4 31 and the general assembly of its activities for the previous
4 32 calendar year. With the report, the commission may submit any
4 33 recommendations pertaining to its activities and shall submit
4 34 recommendations for legislative consideration and other action
4 35 it deems necessary.

5 1 Sec. 12. COMMISSION ON THE STATUS OF NATIVE AMERICANS ==
5 2 TRANSITION PROVISIONS.

5 3 1. The initial members of the commission established
5 4 pursuant to this Act shall be appointed by September 1, 2008.

5 5 2. Notwithstanding any provision of this Act to the
5 6 contrary, an administrator of the division on the status of
5 7 Native Americans and employees of the division shall not be
5 8 appointed or hired prior to July 1, 2009.

5 9 3. Prior to June 1, 2009, the commission shall submit a
5 10 report to the director of human rights. The report shall
5 11 include a job description for the administrator of the
5 12 division, goals for division operations, and performance
5 13 measures to measure achievement of division goals.

5 14 EXPLANATION

5 15 This bill establishes a division on the status of Native
5 16 Americans within the department of human rights. The
5 17 commission on the status of Native Americans is also created.

5 18 The commission consists of 11 members, appointed by the
5 19 governor and subject to senate confirmation. Of the members,
5 20 seven shall be public members and at least one of the seven
5 21 shall be a Native American who is an enrolled tribal member
5 22 living on a tribal settlement or reservation in Iowa and whose
5 23 tribal government is located in Iowa. The other four members
5 24 shall be from each of the following tribal governments that
5 25 hold land in Iowa: the Sac and Fox tribe of the Mississippi in
5 26 Iowa, the Omaha tribe of Nebraska, the Winnebago tribe of
5 27 Nebraska, and the Ponca tribe of Nebraska.

5 28 Duties of the commission are specified.

5 29 The bill also provides that initial appointment of members
5 30 to the commission shall be by September 1, 2008, and that
5 31 division employees and a division administrator shall not be
5 32 hired or appointed prior to July 1, 2009. By June 1, 2009,
5 33 the commission shall submit a report to include a job
5 34 description for the administrator and goals, and applicable
5 35 performance measures, for the division.

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