

SENATE RESOLUTION NO. 161

BY SENATOR CLOUD

A RESOLUTION

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby reestablish and provide for the Task Force on State Recognition of Indian Tribes to develop criteria to use in properly vetting these applications, and to propose recommendations, together with specific proposals for legislation, by written report to the Louisiana Senate and to the David R. Poynter Legislative Research Library as required by R.S. 24:771 and 772, no later than March 1, 2024.

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

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

- (1) Two members of the Senate appointed by the president.
- (2) The chair of the Senate Committee on Judiciary B or his designee who is a

member of the committee.

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

(4) The attorney general or his designee.

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

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

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

- (1) Indian tribes currently recognized by the federal government.
- (2) Indian tribes currently recognized by the state.
- (3) The governor's office of Indian Affairs.
- (4) The United States Department of the Interior, Bureau of Indian Affairs.
- (5) The Native American Commission created by R.S. 46:2305.
- (6) Any person knowledgeable in American Indian law.
- (7) Any person or group currently seeking state recognition of tribal status.

BE IT FURTHER RESOLVED that a majority of the task force shall constitute a quorum for the transaction of business, and all official actions of the task force shall require the affirmative vote of a majority of the members.

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

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

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

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

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PRESIDENT OF THE SENATE