

HB 161 - AS INTRODUCED

2025 SESSION

25-0809

08/11

HOUSE BILL ***161***

AN ACT changing the membership of the New Hampshire commission on Native American affairs.

SPONSORS: Rep. C. McGuire, Merr. 27; Rep. Read, Rock. 10; Rep. Wheeler, Hills. 33

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill changes the membership and duties of the New Hampshire commission on Native American affairs.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT changing the membership of the New Hampshire commission on Native American affairs.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Hampshire Commission on Native American Affairs. Amend RSA 12-A:14-a to read as
2 follows:

3 12-A:14-a New Hampshire Commission on Native American Affairs Established.

4 I. New Hampshire sits in the traditional homeland of the Abenaki people. In order to
5 recognize the historic and cultural contributions of Native Americans to New Hampshire, to promote
6 and strengthen their own heritage, and to further their needs through state policy and programs,
7 there is hereby established the New Hampshire commission on Native American affairs.

8 II. The commission shall consist of 7 members who are residents of the state and are
9 Abenaki or other Native Americans enrolled in recognized tribes who will work together to support
10 the tribes and promote the well-being of all Native Americans in the state.

11 III. Membership shall be as follows:

12 (a) Only enrolled tribal citizens who reside in New Hampshire shall be nominated by the
13 chiefs of the state recognized Abenaki or federally recognized tribes with historic and contemporary
14 connections to, and populations in, New Hampshire. Members of the Abenaki tribes recognized by
15 the state of Vermont and federally recognized tribes in New England are published in the Federal
16 Register pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103-454; 108 Stat. 4791,
17 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25
18 U.S.C. 2 and 9 and 209 DM shall be eligible.

19 (b) Tribal chiefs will nominate commission members to the New Hampshire speaker of
20 the house and he will appoint them for a term of 4 years. Notification of initial appointments will be
21 made in writing by the speaker of the house.

22 III. A vacancy occurring other than by expiration of term shall be filled in the same manner
23 as the original appointment was made but for the unexpired term only. Members of the commission
24 shall serve without compensation. Tribal chiefs and their parent, child, sibling or spouse shall not
25 be eligible to serve in order to avoid a conflict of interest.

26 IV. For voting purposes a quorum shall be 50 percent of the appointed members plus one
27 additional member.

28 V. The first meeting shall be called by the first member appointed in II(c) within 45 days
29 after the completion of the naming of the commission members. Members of the commission shall
30 elect a chairman, vice chairman, secretary, and treasurer. Officers shall be elected for a one-year

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1 term but may serve an additional term. All officers of the commission shall be elected by a majority
2 vote of the members present. Members shall approve rules governing member conduct necessary to
3 remain on the commission.

4 VI. The commission shall:

5 (a) Review and study local, state, and federal issues common to Native Americans and
6 persons of Native American descent who reside in New Hampshire.

7 (b) Make recommendations to the general court regarding state recognition of the
8 Abenaki. A review of the authority to grant state tribal status or recognition under section 104 of
9 the Indian Arts and Crafts Act of 1990, 18 U.S.C. section 1159(c)(3)(B), is reserved solely to the New
10 Hampshire general court.

11 (c) Develop recommendations to assist state agencies with the preservation and
12 protection of Native American artifacts and burial grounds under the Native American Graves
13 Protection and Repatriation Act of 1990, P.L. 101-601.

14 (d) Assist recognized tribes, Native American groups and organizations in New
15 Hampshire with:

16 (1) Securing social services, education, employment opportunities, health care,
17 housing, cultural opportunities, and census information as available at both the state and federal
18 levels, including assistance in determining eligibility for the Indian Child Welfare Act of 1978, 25
19 U.S.C. section 1902 et seq.

20 (2) Establishing and/or continuing programs concerning Native American history,
21 culture, and affairs, including those offered through the United States Department of Education
22 Office on Indian Education pursuant to Title VII of the Elementary and Secondary Education Act
23 established in 1972.

24 (3) Promoting and strengthening the creation, display, and sale of Native American
25 arts and crafts, and providing educational information to artisans and marketing outlets promoting
26 the legal labeling of such products as Indian or Native American produced, as provided in 18 U.S.C.
27 section 1159(c)(3)(B) and 25 U.S.C. section 305e(d), as well as determining eligibility for the Indian
28 Arts and Crafts Act of 1990, P.L. 101-644, and receiving assistance and support from the Indian Arts
29 and Crafts Board, as provided in 25 U.S.C. section 305 et seq.

30 (4) Advising state agencies about the rights of state and federally recognized tribal
31 citizens to possess feathers and other protected materials under permit through the National Eagle
32 Repository of the United States Fish and Wildlife Service.

33 VII. The commission shall meet at least 4 times a year and at any other times at the request
34 of the chairperson or by 3 members of the commission. Notice of all meetings and minutes of such
35 meetings shall be posted on the New Hampshire department of natural and cultural resources
36 website. The commission may accept any gifts, grants, or donations from any public or private
37 source, provided that such gifts, grants, or donations shall be used exclusively to advance the

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1 commission's purpose and duties. Information concerning the receipt of any gifts, grants, or
2 donations shall be posted on the department of cultural resources website.

3 VIII. Beginning November 1, 2026, and each year thereafter, the commission shall submit
4 an annual report of its activities, findings, and recommendations to the governor, the speaker of the
5 house of representatives, the senate president, the commissioner of the department of natural and
6 cultural resources, and the state library. The annual report shall be approved by a majority vote of
7 the commission and shall be posted on the department of natural and cultural resources website.

8 IX. The commission shall be administratively attached to the department of natural and
9 cultural resources.

10 X. Nothing in the purposes and duties of the commission shall be interpreted to provide any
11 Native American with any other special rights or privileges that the state does not confer on or grant
12 to other state residents beyond those given by federal law to recognized tribes.

13 2 Effective Date. This act shall take effect upon its passage.