

# VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

## CHAPTER 142

*An Act to amend and reenact §§ 2.2-212, as it is currently effective and as it shall become effective, 2.2-215, and 2.2-2628 of the Code of Virginia, relating to the Council on Indians.*

[H 782]

Approved March 15, 2004

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-212, as it is currently effective and as it shall become effective, 2.2-215, and 2.2-2628 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-212. (Effective until July 1, 2006) Agencies for which responsible.

The position of Secretary of Health and Human Resources (the Secretary) is created. The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Blind and Vision Impaired, Department of Health Professions, Department for the Aging, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Rehabilitative Services, Department of Social Services, Department of Medical Assistance Services, Advisory Council on the Future of Nursing in Virginia, ~~Council on Indians~~, Governor's Employment and Training Department, Child Day-Care Council, Virginia Department for the Deaf and Hard-of-Hearing, and the Office of Comprehensive Services for Youth and At-Risk Youth and Families. The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall (i) coordinate the work of state agencies to implement the long-term care policy of the Commonwealth and (ii) serve as the lead Secretary for the Comprehensive Services Act for At-Risk Youth and Families, working with the Secretary of Education and the Secretary of Public Safety to facilitate interagency service development and implementation, communication and cooperation.

§ 2.2-212. (Effective July 1, 2006) Position established; agencies for which responsible; additional powers.

The position of Secretary of Health and Human Resources (the Secretary) is created. The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Blind and Vision Impaired, Department of Health Professions, Department for the Aging, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Rehabilitative Services, Department of Social Services, Department of Medical Assistance Services, ~~Council on Indians~~, Governor's Employment and Training Department, Child Day-Care Council, Virginia Department for the Deaf and Hard-of-Hearing, and the Office of Comprehensive Services for Youth and At-Risk Youth and Families. The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall (i) coordinate the work of state agencies to implement the long-term care policy of the Commonwealth and (ii) serve as the lead Secretary for the Comprehensive Services Act for At-Risk Youth and Families, working with the Secretary of Education and the Secretary of Public Safety to facilitate interagency service development and implementation, communication and cooperation.

§ 2.2-215. Position established; agencies for which responsible.

The position of Secretary of Natural Resources (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Department of Conservation and Recreation, Department of Historic Resources, Marine Resources Commission, Department of Game and Inland Fisheries, Chippokes Plantation Farm Foundation, Chesapeake Bay Local Assistance Department, Virginia Museum of Natural History, *Council on Indians*, and the Department of Environmental Quality. The Governor may, by executive order, assign any state executive agency to the Secretary of Natural Resources, or reassign any agency listed above to another Secretary.

§ 2.2-2628. Council on Indians; membership; terms; chairman; compensation and expenses; chairman's executive summary.

A. The Council on Indians (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The Council shall be composed of 16 members that ~~include~~ *includes* four legislative members, ~~44 and 12~~ nonlegislative citizen members, ~~and one ex officio member~~ as follows: (i) the eight Virginia tribes officially recognized by the Commonwealth shall be entitled but not required to be represented by one member from each tribe, (ii) ~~two~~ *three* members at large from the Indian population residing in Virginia, and (iii) one member from the Commonwealth at large, all of whom shall be appointed by the Governor; (iv) three members of the House of Delegates

appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; *and* (v) one member of the Senate appointed by the Senate Committee on Privileges and Elections; ~~and (vi) the Secretary of Health and Human Resources, or his designee, shall be an ex officio voting member.~~ If a recognized tribe elects not to be represented, then that seat on the Council shall be filled by appointment of an additional member from the at-large Indian population of Virginia. *Each at-large member from the Indian population residing in the Commonwealth shall be required, as a condition of his appointment to the Council, to provide verification of his status as an enrolled member of a tribe recognized by either the Commonwealth, another state, or territory. Such verification shall consist of a valid tribal identification card, confirmation of membership through a central tribal registry, a written statement of a tribal chief or council confirming membership, or certification of the enrolled member status from a tribal office.*

B. After the original appointments, all nonlegislative citizen appointments shall be for terms of three years except appointments to fill vacancies, which shall be for the unexpired terms. Legislative ~~and ex officio~~ members shall serve terms coincident with their terms of office. All members may be reappointed. However, no nonlegislative citizen member shall be eligible to serve more than three successive three-year terms, no member of the Senate shall be eligible to serve more than two successive four-year terms, and no member of the House of Delegates shall be eligible to serve more than four successive two-year terms, provided that no appointments to fill vacancies for an unexpired term shall be included in determining the term limit.

C. The Governor shall appoint one of the members appointed pursuant to clause (i) or (ii) of subsection A as chairman, who shall serve in such position at the pleasure of the Governor. The Council shall elect a vice chairman from among its membership. The meetings of the Council shall be held at the call of the chairman or whenever the majority of the voting members so request. A majority of the *nonlegislative* members shall constitute a quorum.

D. Members of the Council shall receive no compensation for their services, but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the Office of the Governor.

E. The chairman of the Council shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Council no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

**2. That the provisions of this act shall not be construed to affect existing members of the Council on Indians whose terms have not expired as of July 1, 2004. However, any new appointments made after July 1, 2004, shall be made in accordance with the provisions of this act.**