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HOUSE BILL NO. 782

Offered January 14, 2004

Prefiled January 14, 2004

A BILL 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.

Patron—McDougle

Referred to Committee on General Laws

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; 11 and 12 nonlegislative citizen members; and one ex

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59 ~~officio member~~ as follows: (i) the eight Virginia tribes officially recognized by the Commonwealth shall
60 be entitled but not required to be represented by one member from each tribe, (ii) ~~two~~ *three* members at
61 large from the Indian population residing in Virginia, and (iii) one member from the Commonwealth at
62 large, all of whom shall be appointed by the Governor; (iv) three members of the House of Delegates
63 appointed by the Speaker of the House of Delegates in accordance with the principles of proportional
64 representation contained in the Rules of the House of Delegates; *and* (v) one member of the Senate
65 appointed by the Senate Committee on Privileges and Elections; ~~and (vi) the Secretary of Health and~~
66 ~~Human Resources, or his designee, shall be an ex officio voting member.~~ If a recognized tribe elects not
67 to be represented, then that seat on the Council shall be filled by appointment of an additional member
68 from the at-large Indian population of Virginia. *Each at-large member from the Indian population*
69 *residing in the Commonwealth shall be required, as a condition of his appointment to the Council, to*
70 *provide verification of his status as an enrolled member of a tribe recognized by either the*
71 *Commonwealth, another state, or territory. Such verification shall consist of a valid tribal identification*
72 *card, confirmation of membership through a central tribal registry, a written statement of a tribal chief*
73 *or council confirming membership, or certification of the enrolled member status from a tribal office.*

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

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

87 D. Members of the Council shall receive no compensation for their services, but shall be reimbursed
88 for all reasonable and necessary expenses incurred in the performance of their duties as provided in
89 § § 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the
90 Office of the Governor.

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

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