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HOUSE BILL NO. 1712

Offered January 12, 2005

Prefiled December 28, 2004

A BILL to amend and reenact §§ 2.2-2628 and 2.2-2629 of the Code of Virginia, relating to the Council on Indians.

Patrons—McDougle and Rapp

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2628 and 2.2-2629 of the Code of Virginia are amended and reenacted as follows:

§ 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~~ 18 members that includes four legislative members and ~~12~~ 14 nonlegislative citizen members as follows: (i) ~~13 nonlegislative members representing the eight~~ Virginia tribes officially recognized by the Commonwealth, ~~who~~ shall be entitled but not required to be represented by one member from each tribe, ~~(ii) three and the remaining Indian members chosen~~ at large from the Indian population residing in Virginia, ~~and (iii) (ii) one member from the Commonwealth at large, all of whom shall be appointed by the Governor; (iv) (iii) 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) (iv) one member of the Senate appointed by the Senate Committee on Privileges and Elections. 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 remain vacant until such time as the tribe elects to be represented.~~ 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 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.

§ 2.2-2629. Powers and duties of Council; acceptance of gifts and grants; reporting requirement.

A. The Council shall gather information on and make studies and conduct research ~~into the Indian tribes concerning the Indians~~ in the Commonwealth and ~~suggest ways in which Indians may reach their potential and make their full contribution, as wage earners and citizens, to society and the~~

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HB1712

59 ~~Commonwealth~~ *advise the Governor on issues affecting the Virginia Indian communities. The Council*
60 *shall be an advocate for education of the general public regarding the past and present Indians of*
61 *Virginia.*

62 B. The Council may apply for, accept and expend gifts, grants or donations from public or private
63 sources to enable it to better carry out its objectives.

64 C. The Council shall establish criteria for tribal recognition and shall recommend to the General
65 Assembly and the Governor in its biennial report those tribes meeting the criteria that should be given
66 official state recognition.

67 D. The Council shall report its findings and recommendations to the Governor and the General
68 Assembly not less than ~~sixty~~ 60 days prior to the convening of the session of the General Assembly
69 held in each even-numbered year.
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