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SENATE BILL NO. 1136

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 2.2-2628 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2629.1, relating to the Council on Indians.

Patron—McDougle

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2628 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2629.1 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 a total of 18 members that shall consist of four legislative members and 14 nonlegislative citizen members as follows: (i) 13 nonlegislative members representing the chiefs of the Virginia tribes officially recognized by the Commonwealth, who shall be entitled but not required to be represented by one member from each tribe, and the remaining Indian members chosen at large from the Indian population residing in Virginia; and one member from the Commonwealth at large, all of whom shall be appointed by the Governor; (ii) 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 (iii) one member of the Senate appointed by the Senate Committee on Rules. If a recognized tribe elects not to be represented, then that seat on the Council shall 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. Each chief shall serve a term coincident with his term of office as chief and may appoint one designee who may serve as his representative at Council meetings and other Council activities.

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 Council shall annually elect a chair and vice-chair 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.

§ 2.2-2629.1. Recognition of tribal sovereignty.

The Commonwealth of Virginia recognizes Indian tribal sovereignty and shall operate on a sovereign-to-sovereign basis with Virginia tribes officially recognized by the Commonwealth. For

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59 *purposes of this section, "tribal sovereignty" means the inherent authority of indigenous tribes to govern*
60 *themselves.*