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HOUSE JOINT RESOLUTION NO. 615

Offered January 10, 2001

Prefiled January 10, 2001

Establishing a joint subcommittee to study the advisability of seating representatives of Virginia's eight officially recognized Indian tribes as nonvoting members of the General Assembly.

Patrons—Darner, Christian and Plum

Referred to Committee on Rules

WHEREAS, the 1990 United States Census reported that there were 16,391 Native Americans residing in the Commonwealth, most of whom share an American Indian ancestry; and

WHEREAS, the Commonwealth officially recognizes eight Indian tribes: the Chickahominy, Eastern Chickahominy, Mattaponi, Upper Mattaponi, Monacan, Nansemond, Pamunkey and Rappahannock; and

WHEREAS, criteria for recognition includes evidence that (i) the tribe has been indigenous to and occupying a specific site in what is now Virginia at the time of the arrival of the first European settlers, (ii) the current members are Indian descendants of the indigenous tribe as demonstrated by various records, and (iii) the tribe has an established tribal organization with appropriate records and historical documentation, such as governing documents and membership criteria; and

WHEREAS, recognized Indian tribes in the Commonwealth predate the state government and have contributed to the settlement and growth of the Commonwealth; and

WHEREAS, a beneficial relationship between the Commonwealth and its Indian tribes hinges on fostering cooperative assistance, consultation and sharing of information to promote mutually shared interests; and

WHEREAS, Maine has been the forerunner in cultivating a relationship with its Indian tribes by extending to representatives of the Penobscot Nation and Passamaquoddy Tribe seats as nonvoting members in the state's House of Representatives; and

WHEREAS, the tribal representatives, who are elected by tribal vote, participate in debate on the floor and in committees and receive compensation and office space, but are barred from voting on legislation; and

WHEREAS, having the opportunity to voice their opinions about laws affecting them and their lands, territories and resources in the chamber of the House of Representatives enables Maine's represented tribes to maintain and strengthen their institutions, cultures and traditions and to promote tribal economic and social interests in accordance with their aspirations and needs; and

WHEREAS, to adequately and appropriately serve the Indian tribes, laws and policies should take into account the unique circumstances and diversity of tribes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the seating of representatives of Virginia's eight officially recognized Indian tribes as nonvoting members of the General Assembly. The joint subcommittee shall consist of seven members, which shall include six legislative members and one ex officio member as follows: four members of the House of Delegates, to be appointed by the Speaker in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; and the chairman of the Council on Indians or her designee to serve ex officio with voting privileges.

In conducting its study, the joint subcommittee shall examine (i) the history and sovereign status of Indian nations in the Commonwealth; (ii) the constitutional, statutory, rule and practice barriers in granting representation to the eight recognized tribes; (iii) the appropriate role and responsibility of nonvoting members of the General Assembly; and (iv) the cost of accommodating new members in the General Assembly.

The direct costs of this study shall not exceed \$7,500.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Council on Indians. All agencies of the Commonwealth shall provide assistance as requested by the joint subcommittee.

The joint subcommittee shall complete its work in time to submit its written findings and recommendations to the Governor and the 2002 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the

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