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HOUSE BILL NO. 1136

Offered January 13, 2022

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-415, relating to Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; established; report.

Patrons—Krizek, Carr, Clark, Filler-Corn, Hope, Keam, Kory, Maldonado, Murphy, Reid, Simon and Watts

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 64, consisting of sections numbered 30-409 through 30-415, as follows:

CHAPTER 64.

COMMISSION ON UPDATING VIRGINIA LAW TO REFLECT FEDERAL RECOGNITION OF VIRGINIA TRIBES.

§ 30-409. Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; purpose.

The Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes (the Commission) is established in the legislative branch of state government for the purpose of performing a comprehensive review of Virginia law to assess ways in which it must be revised to reflect the government-to-government relationship the Commonwealth should maintain, by treaty and applicable federal law, with the sovereign, self-governing, federally recognized Tribal Nations located within the present-day external boundaries of the Commonwealth.

§ 30-410. Membership; terms.

The Commission shall have a total of 19 members, consisting of 10 legislative members, eight nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: six members of the House of Delegates to be 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; four members of the Senate to be appointed by the Senate Committee on Rules; seven nonlegislative citizen members, at least one of whom shall represent each of the seven federally recognized Tribal Nations located in the Commonwealth, to be appointed by the Speaker of the House of Delegates with the advice and consent of each such federally recognized Tribal Nation; and one nonlegislative citizen member, who shall represent the Commonwealth's scholarly community, to be appointed by the Senate Committee on Rules. The Secretary of the Commonwealth, or his designee, shall serve ex officio with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

Legislative members and the ex officio member of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-411. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

No recommendation of the Commission shall be adopted if the majority of the members representing Tribal Nations vote against the recommendations.

§ 30-412. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses

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58 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to
59 members of the General Assembly for attendance at official meetings of the Commission shall be paid
60 by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other
61 compensation and expenses shall be paid from existing appropriations to the Commission or, if
62 unfunded, shall be approved by the Joint Rules Committee.

63 **§ 30-413. Powers and duties of the Commission; report.**

64 The Commission shall have the following powers and duties:

65 1. Performing a comprehensive review of Virginia law to reflect the government-to-government
66 relationship between the Commonwealth and federally recognized Tribal Nations located in the
67 Commonwealth as distinct governments with the right to exercise general sovereignty and powers of
68 government.

69 2. Submitting to the General Assembly and the Governor an annual report for publication as a
70 report document as provided in the procedures of the Division of Legislative Automated Systems for the
71 processing of legislative documents and reports. The chairman of the Commission shall submit to the
72 General Assembly and the Governor an annual executive summary of the interim activity and work of
73 the Commission no later than the first day of each regular session of the General Assembly. The
74 executive summary shall be submitted for publication as a report document as provided in the
75 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
76 and reports and shall be posted on the General Assembly's website.

77 **§ 30-414. Staffing.**

78 Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office
79 of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of
80 the Commission serves. The Division of Legislative Services shall provide legal, research, policy
81 analysis, and other services as requested by the Commission.

82 **§ 30-415. Sunset.**

83 This chapter shall expire on July 1, 2024.