

1 HB492
2 127399-1
3 By Representative Vance
4 RFD: Boards, Agencies and Commissions
5 First Read: 06-MAR-12

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8 SYNOPSIS: Under existing law, certain Indian tribes or
9 bands have been recognized by state law and have a
10 representative appointed by the Governor serving on
11 the Indian Affairs Commission.

12 This bill would provide for the recognition
13 of the Kawita Creeks of Russell County and would
14 provide for the appointment of one representative
15 from the Kawita Creeks on the Indian Affairs
16 Commission.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 41-9-708, Code of Alabama 1975,
23 relating to the Indian Affairs Commission, to provide for the
24 recognition of Kawita Creeks of Russell County and for the
25 appointment of one representative from the Kawita Creeks on
26 the commission.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 41-9-708, Code of Alabama 1975,
2 is amended to read as follows:

3 "§41-9-708.

4 "(a) There is hereby created and established the
5 Alabama Indian Affairs Commission hereinafter called the
6 commission, which shall be administered under the direction
7 and supervision of the Joint Committee on Administrative
8 Regulations, as provided by Section 41-22-22.

9 "(b) The commission shall be composed of at least ~~11~~
10 12 members. All members of the commission ~~must~~ shall reside in
11 Alabama. Members shall include a member of the State Senate,
12 appointed by the Lieutenant Governor, and a member of the
13 House of Representatives, appointed by the Speaker of the
14 House of Representatives, ~~seven an~~ Indian representatives
15 representative from ~~the seven~~ each of the tribes, bands, or
16 groups in the State of Alabama as specifically provided for in
17 this section, and one member at large. The Governor shall
18 appoint ~~seven~~ Indian members from recommendations submitted by
19 each of the ~~seven~~ following Indian tribes, bands, or groups,
20 principally geographically located as follows: The Poarch Band
21 of Creeks of Escambia County, ~~one member~~; the Mowa Band of
22 Choctaws of southwest Alabama, ~~one member~~; the Star Clan of
23 Muscogee Creeks of Pike County, ~~one member~~; the Echota
24 Cherokees of Alabama, ~~one member~~; the Cherokees of northeast
25 Alabama, ~~one member~~; the Cherokees of southeast Alabama, ~~one~~
26 ~~member~~; the Kawita Creeks of Russell County; and the Ma-Chis
27 Lower Creek Indian Tribe, ~~one member~~. Each of the ~~seven~~

1 identified groups shall have one member. The commission shall
2 appoint one Alabama resident, who is a member of a federally
3 recognized Indian tribe, band or group, that is not a member
4 of any tribe represented on this commission. The Governor
5 shall appoint one member at large, who may be Indian or
6 non-Indian; provided, however, that the majority of the
7 members of the commission shall always be Indian. All above
8 stated tribes, bands, and groups shall be state recognized
9 ~~upon passage of this article~~. The commission shall have the
10 power to recognize additional Indian tribes, bands, or groups.
11 The commission shall adopt appropriate procedure for ~~such~~ the
12 recognition process. Any recognized Indian tribe, band, or
13 group shall ~~be entitled to~~ have one representative on the
14 commission who shall be appointed for an initial term of three
15 years by the Governor and subject thereafter to the same
16 requirements and privileges as specified in ~~subsections (b)~~
17 ~~and this subsection,~~ subsection (c), and any other applicable
18 sections. ~~Said~~ The member shall be granted the same voting
19 powers accorded other members.

20 "(c) The commission shall elect a ~~chairman~~ chair of
21 the commission from among its members. Members serving by
22 virtue of their office within state government shall serve so
23 long as they hold that office. The terms of office for all
24 other members shall be for four years each, except for the
25 initial appointments which shall be as follows: Four members
26 for two years; two members for three years; and two members
27 for four years. The initial term of office for persons who are

1 granted membership upon the recognition of their tribe, band,
2 or group by the commission shall be as provided in subsection
3 (b). The initial term and all subsequent terms of office of
4 the member representing the Ma-Chis Lower Creek Indian Tribe
5 shall be four years. The initial term and all subsequent terms
6 of office of the member representing the Kawita Creeks shall
7 be four years. Each member shall serve until his or her
8 successor is appointed. Members shall be eligible for
9 reappointment. Upon the death, disability, resignation,
10 removal, or refusal to serve of any member, the Governor shall
11 appoint a qualified member of that tribe, band, or group to
12 fill the unexpired term of office.

13 "(d) The ~~chairman~~ chair shall submit any written
14 complaint of any tribal body that appoints members to the
15 commission, or any written complaint of any other appointing
16 authority that any commissioner is negligent in the
17 performance of his or her commission duties to the Governor
18 for review. After reviewing the complaint, if the Governor
19 determines the commission has been negligent, the Governor may
20 remove the commissioner from the commission and appoint a
21 successor as provided in this section."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.