

SENATE BILL 884

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P1

2002 Regular Session  
2r2997

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By: **Senator Conway**

Introduced and read first time: February 28, 2002

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Commission on Indian Affairs - Membership and Terms**

3 FOR the purpose of altering the membership of the Commission on Indian Affairs;  
4 altering the length of a term for a member of the Commission on Indian Affairs;  
5 altering the term limits a member may serve on the Commission on Indian  
6 Affairs; clarifying certain terms; and generally relating to the membership and  
7 terms of members on the Commission on Indian Affairs.

8 BY repealing and reenacting, with amendments,  
9 Article 83B - Department of Housing and Community Development  
10 Section 5-402(a)  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 2001 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 83B - Department of Housing and Community Development**

16 5-402.

17 (a) (1) The Commission shall consist of nine members appointed by the  
18 Governor, with the advice and consent of the Senate, [a majority of whom] shall be  
19 members of the [native] American Indian communities of this State, and at least [3]  
20 5 of whom shall be appointed from AMERICAN Indian communities that are  
21 indigenous to Maryland. Each member of the Commission shall have a demonstrable  
22 knowledge of AMERICAN Indian culture and history, and be sensitive to the problems  
23 of the AMERICAN Indian communities. The term of a member is [3] 4 years. At the  
24 end of a term, a member continues to serve until a successor is appointed and  
25 qualifies. A member who is appointed after a term has begun serves only for the rest  
26 of the term and until a successor is appointed and qualifies. [A member may succeed  
27 himself, but may not serve more than 6 years consecutively.] A MEMBER WHO HAS  
28 SERVED TWO CONSECUTIVE 4-YEAR TERMS MAY NOT BE REAPPOINTED UNTIL AT  
29 LEAST 1 YEAR AFTER THE EXPIRATION OF THE MEMBER'S PRIOR TERM.

1                   (2)     (i)     Each applicant shall submit, under oath or affirmation, a list of  
2 the applicant's qualifications, including:

- 3                                   1.     The applicant's educational history;
- 4                                   2.     The applicant's employment background or other relevant  
5 experience; and
- 6                                   3.     In the case of an individual applying for appointment as  
7 an American Indian member of the Commission, documentation or proof of  
8 AMERICAN Indian tribe, band, group, or clan membership, under the sworn and  
9 notarized signature of the authorized custodian of the records of the membership rolls  
10 of the applicable Indian tribe, band, group, or clan.

11                   (ii)     The Governor may require the production of any other  
12 documents necessary to prove:

- 13                                   1.     The standing or history of the Indian tribe, band, group, or  
14 clan of which an applicant claims membership; or
- 15                                   2.     The qualifications of an individual applicant.

16                   (3)     (i)     Any person who, in any matter within the scope of this section,  
17 knowingly and willfully falsifies or conceals, by any trick, scheme, or device, a  
18 material fact, or makes any false, fictitious, or fraudulent statements or  
19 representations, or makes or uses any false writing or document knowing the writing  
20 or document contains any false, fictitious, or fraudulent statement or entry, is guilty  
21 of a misdemeanor.

22                   (ii)     Except as otherwise provided by law, a person who violates this  
23 section is subject to a fine of not more than \$1,000, or imprisonment for not more than  
24 6 months, or both.

25     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect October 1, 2002.