
By: **Senator Conway**
Introduced and read first time: February 28, 2002
Assigned to: Rules
Re-referred to: Education, Health, and Environmental Affairs, March 14, 2002

Committee Report: Favorable
Senate action: Adopted
Read second time: March 26, 2002

CHAPTER _____

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

1 of the AMERICAN Indian communities. The term of a member is [3] 4 years. At the
2 end of a term, a member continues to serve until a successor is appointed and
3 qualifies. A member who is appointed after a term has begun serves only for the rest
4 of the term and until a successor is appointed and qualifies. [A member may succeed
5 himself, but may not serve more than 6 years consecutively.] A MEMBER WHO HAS
6 SERVED TWO CONSECUTIVE 4-YEAR TERMS MAY NOT BE REAPPOINTED UNTIL AT
7 LEAST 1 YEAR AFTER THE EXPIRATION OF THE MEMBER'S PRIOR TERM.

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

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

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

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

23 (3) (i) Any person who, in any matter within the scope of this section,
24 knowingly and willfully falsifies or conceals, by any trick, scheme, or device, a
25 material fact, or makes any false, fictitious, or fraudulent statements or
26 representations, or makes or uses any false writing or document knowing the writing
27 or document contains any false, fictitious, or fraudulent statement or entry, is guilty
28 of a misdemeanor.

29 (ii) Except as otherwise provided by law, a person who violates this
30 section is subject to a fine of not more than \$1,000, or imprisonment for not more than
31 6 months, or both.

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

