

House Bill 153 (AS PASSED HOUSE AND SENATE)

By: Representatives Rogers of the 10th, Rhodes of the 120th, Efstration of the 104th, Smith of the 70th, and Gasaway of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 7 of Chapter 12 of Title 44 of the Official Code of Georgia
2 Annotated, relating to the Council on American Indian Concerns, so as to attach the council
3 to the Department of Natural Resources for administrative purposes; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Part 2 of Article 7 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated,
8 relating to the Council on American Indian Concerns, is amended by revising Code Section
9 44-12-280, relating to the council's creation, membership, assignment, terms of office of
10 members, and removal for failure to attend meetings, as follows:

11 "44-12-280.

12 (a) As used in this Code section, the term:

13 (1) 'Anthropologist' means a physical anthropologist who holds a Ph.D. in physical
14 anthropology with demonstrated experience in on-site identification of human skeletal
15 remains and who is currently active in the profession.

16 (2) 'Archeologist' means any person who:

17 (A) Is a member of or meets the criteria for membership in the Society of Professional
18 Archaeologists and can demonstrate experience or formal training in the excavation and
19 interpretation of human graves; or

20 (B) Was employed on July 1, 1992, by the state or by any county or municipal
21 governing authority as an archeologist.

22 (b) There is created the Council on American Indian Concerns, which shall consist of nine
23 members to be appointed by the Governor. Five members shall be American Indians.
24 Three members shall represent the scientific community and shall include at least one
25 archeologist and one anthropologist; provided, however, that if no anthropologist can be
26 identified who is willing to serve, then the membership reserved to an anthropologist shall

27 be filled by a person who holds a master's degree or a higher degree in the field of
28 anthropology and is currently active in the profession. One member shall be selected from
29 the general public at large. All members of the council shall be legal residents of the State
30 of Georgia. The Governor shall consult the tribal groups located in the state recognized by
31 general law, the Human Relations Commission, the Georgia Council of Professional
32 Archaeologists, the Society for Georgia Archaeology, and the Department of Natural
33 Resources for recommendations before appointing members of the council.

34 (c) The council is assigned to the ~~Governor's Office of Planning and Budget~~ Department
35 of Natural Resources for administrative purposes only, as specified in Code Section 50-4-3.

36 (d) The terms of appointment for members of the council shall be as follows: two
37 American Indians, one scientist, and one representative of the general public shall be
38 appointed for an initial term of three years; two American Indians, one scientist, and one
39 representative of the general public shall be appointed for an initial term of two years; and
40 one scientist shall be appointed for an initial term of one year. The member who represents
41 the general public and who has the least time left in his or her term on July 1, 2002, shall
42 cease to be a member on that date, and a member who is an American Indian shall be
43 appointed to take office on that day for a term of three years. The Governor shall specify
44 the length of the initial term of the councilmembers in their initial appointments. After
45 such initial terms, all councilmembers shall be appointed for terms of three years. Active
46 and continued participation by members of the council is needed. The Governor may
47 remove any member who fails to attend three regularly scheduled consecutive meetings.
48 Councilmembers may succeed themselves."

49 **SECTION 2.**

50 All laws and parts of laws in conflict with this Act are repealed.