

GEORGIA CODE  
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\*\*\* Current through the 2007 Regular Session \*\*\*

TITLE 44. PROPERTY  
CHAPTER 12. RIGHTS IN PERSONALTY  
ARTICLE 7. PROTECTION OF AMERICAN **INDIAN** HUMAN REMAINS AND BURIAL  
OBJECTS  
PART 2. **COUNCIL ON AMERICAN INDIAN CONCERNS**

O.C.G.A. § 44-12-280 (2007)

§ 44-12-280. **Council** on American **Indian** Concerns created; membership; assignment for administrative purposes; terms of office; removal for failure to attend meetings

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

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

(2) "Archeologist" means any person who:

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

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

(b) There is created the **Council** on American **Indian** Concerns, which shall consist of nine members to be appointed by the Governor. Five members shall be American **Indians**. Three members shall represent the scientific community and shall include at least one archeologist and one anthropologist; provided, however, that if no anthropologist can be identified who is willing to serve, then the membership reserved to an anthropologist shall be filled by a person who holds a master's degree or a higher degree in the field of anthropology and is currently active in the profession. One member shall be selected from the general public at large. All members of the **council** shall be legal residents of the State of Georgia. The Governor shall consult the tribal groups located in the state recognized by general law, the Human Relations Commission, the Georgia **Council** of Professional Archaeologists, the Society for Georgia Archaeology, and the Department of Natural Resources for recommendations before appointing members of the **council**.

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

(d) The terms of appointment for members of the **council** shall be as follows: two American **Indians**, one scientist, and one representative of the general public shall be appointed for an initial term of three years; two American **Indians**, one scientist, and one representative of the general public shall be appointed for an initial term of two years; and one scientist

shall be appointed for an initial term of one year. The member who represents the general public and who has the least time left in his or her term on July 1, 2002, shall cease to be a member on that date, and a member who is an American **Indian** shall be appointed to take office on that day for a term of three years. The Governor shall specify the length of the initial term of the councilmembers in their initial appointments. After such initial terms, all councilmembers shall be appointed for terms of three years. Active and continued participation by members of the **council** is needed. The Governor may remove any member who fails to attend three regularly scheduled consecutive meetings. Councilmembers may succeed themselves.

**HISTORY:** Code 1981, § 44-12-280, enacted by Ga. L. 1992, p. 1790, § 6; Ga. L. 2002, p. 632, § 2.

#### § 44-12-281. Compensation and expenses

Councilmembers shall receive no compensation for their services but shall be reimbursed for their actual travel and expenses necessarily incurred in the performance of their duties for each day such member of the council is in attendance at a meeting of the council.

**HISTORY:** Code 1981, § 44-12-281, enacted by Ga. L. 1992, p. 1790, § 6.

#### § 44-12-282. Chairperson; meetings; quorum

Annually, the councilmembers shall elect a chairperson for a term of one year. The council shall meet as frequently as needed to perform its duties, upon the call of the council chairperson. Five councilmembers shall constitute a quorum to conduct business.

**HISTORY:** Code 1981, § 44-12-282, enacted by Ga. L. 1992, p. 1790, § 6.

#### § 44-12-283. Powers and duties of council

The council shall have the following powers and duties:

(1) To serve as a resource for the notification of relatives under paragraph (4) of Code Section 36-72-5, relating to notification of relatives pursuant to obtaining a permit for land use change or disturbance; provided, however, that failure of the council to respond within 30 days to a request to serve as a resource for the notification shall not prevent the notification process or any permit process from taking place;

(2) To receive notice of permits issued and contracts issued under subsection (c) of Code Section 12-3-52 that affect aboriginal, prehistoric, or American Indian burial sites;

(3) To monitor the inventory and identification process conducted under Code Section 44-12-261 to ensure a fair, objective consideration and assessment of all available relevant information and evidence;

(4) To facilitate the resolution of disputes among American Indian tribes, lineal descendants of American Indians, and museums relating to the return of American Indian remains and burial objects pursuant to Code Section 44-12-262, including convening the parties to the dispute;

(5) To advise the Department of Natural Resources, the General Assembly, the Human Relations Commission, the Secretary of State, local political subdivisions, state and local law enforcement agencies, and other appropriate agencies and individuals regarding policy matters relating to issues affecting American Indians;

(6) To apply for and receive grants, gifts, and direct appropriations from the federal government; the state government; any county, municipal, or local government; any board, bureau, commission, agency, or establishment of any such government; any other organization, public or private; and any individual or groups of individuals; and

(7) To preserve and foster the culture and heritage of Indians and Indian descendants in this state and to be the agency to deal with specific federal programs which are required to be dealt with only by an Indian agency or organization.

**HISTORY:** Code 1981, § 44-12-283, enacted by Ga. L. 1992, p. 1790, § 6; Ga. L. 2002, p. 632, § 3.

#### § 44-12-283.1. Additional powers of council

In addition to any other powers granted by law, the council may, in its discretion, study, consider, accumulate, compile, assemble, and disseminate information on any aspect of Indian affairs; investigate relief needs of Indians in Georgia and provide technical assistance in the preparation of plans for the alleviation of such needs; confer with appropriate officials of local, state, and federal governments, and agencies of these governments, and with such congressional committees that may be concerned with Indian affairs, in order to encourage and implement coordination of applicable resources to meet the needs of Indians in Georgia; cooperate with and secure the assistance of the local, state, and federal governments, or any agencies thereof, in formulating any such programs and coordinate such programs with any programs regarding Indian affairs adopted or planned by the federal government, to the end that the department secures the full benefit of such programs; review all proposed or pending state legislation and amendments to existing state legislation affecting Indians in Georgia; conduct public hearings on matters relating to Indian affairs; study the existing status of recognition of all Indian groups, tribes, and communities presently existing in the state; expend funds in compliance with state regulations; and make legislative recommendations.

**HISTORY:** Code 1981, § 44-12-283.1, enacted by Ga. L. 2002, p. 632, § 3.

#### § 44-12-283.2. Council authorized to promulgate rules and regulations; notification requirement

The council is authorized to promulgate rules and regulations to accomplish the provisions of this article in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." The council is expressly prohibited from engaging in any activity which would tend to assist the implementation of Indian gaming in this state, and the council shall immediately notify in writing the Governor, the President of the Senate, and the Speaker of the House of Representatives of any communication it may receive from any source relating to such subject.

**HISTORY:** Code 1981, § 44-12-283.2, enacted by Ga. L. 2002, p. 632, § 3.

§ 44-12-284. Delegation of duties; professional, technical, and clerical personnel

The council may delegate duties to one or more councilmembers or agents. The council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under this part and to contract for such services as may be necessary to enable the council to carry out its responsibilities.

**HISTORY:** Code 1981, § 44-12-284, enacted by Ga. L. 1992, p. 1790, § 6.

§ 44-12-285. Annual report

The council shall make an annual report of its activities to the Governor.

**HISTORY:** Code 1981, § 44-12-285, enacted by Ga. L. 1992, p. 1790, § 6.