

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2116**

BY DELEGATES HOWELL, FRICH AND HAMILTON

[Introduced February 8, 2017; Referred  
to the Committee on Government Organization then the  
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §2-4-1, §2-4-2 and §2-4-3, all relating to establishing a policy for formal  
 3 recognition of Indian tribes.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 article, designated §2-4-1, §2-4-2 and §2-4-3, all to read as follows:

**ARTICLE 4. WEST VIRGINIA INDIAN TRIBES STATE RECOGNITION ACT.**

**§2-4-1. Title.**

1 The title of this article is known as the "West Virginia Indian Tribes Recognition Act."

**§2-4-2. Definitions.**

1 As used in this article "Indian tribe" or "tribe" means any Indian group that has been  
 2 formally recognized as an Indian tribe by the Secretary of the United States Department of the  
 3 Interior, pursuant to 25 C.F.R. §83.7, by the Legislature of any other state or by the appropriate  
 4 board which has been given the power of tribal recognition of any other state.

**§2-4-3. Recognition of Indian tribes.**

1 (a) The State of West Virginia recognizes a group's status as an Indian tribe if that group  
 2 has been formally recognized as an Indian tribe by the Secretary of the United States Department  
 3 of the Interior, pursuant to 25 C.F.R. §83.7, by the Legislature of any other state or by the  
 4 appropriate board which has been given the power of tribal recognition of any other state.

5 (b) The State of West Virginia does not acknowledge any group as an Indian tribe which  
 6 has not been recognized as an Indian tribe by the Secretary of the United States Department of  
 7 the Interior pursuant to 25 C.F.R. §83.7, by the Legislature of any other state or by the appropriate  
 8 board which has been given the power of tribal recognition of any other state.

NOTE: The purpose of this bill is to establish the state's policy for formal recognition of Indian tribes.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.