

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4718**

BY DELEGATES HOWELL, HIGGINBOTHAM, GRAVES, P.

MARTIN, DEAN, MAYNARD, ELLINGTON AND ROHRBACH

(BY REQUEST)

[Introduced February 06, 2020; 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:*

**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.**

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

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

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

10 (b) The State of West Virginia does not acknowledge any group as an Indian tribe which  
 11 has not been recognized as an Indian tribe by the Secretary of the United States Department of  
 12 the Interior pursuant to 25 C.F.R. §83.7, by the Legislature of any other state or by the appropriate  
 13 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.