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HOUSE BILL NO. 814

Offered January 13, 2016

Prefiled January 12, 2016

A BILL to amend and reenact § 2.2-401.01 of the Code of Virginia, relating to powers and duties of the Secretary of the Commonwealth; creation of a Virginia Indian advisory board.

Patrons—Peace, Bagby, Hodges and Krizek

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-401.01 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-401.01. Liaison to Virginia Indian tribes.**

A. The Secretary of the Commonwealth shall:

1. Serve as the Governor's liaison to the Virginia Indian tribes; and

2. Report annually on the status of Indian tribes in Virginia.

B. *The Secretary of the Commonwealth may establish a Virginia Indian advisory board to assist the Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make recommendations to the Secretary, the Governor, and the General Assembly on such applications and other matters relating to recognition as follows:*

1. *The members of any such board shall be composed of no more than seven members to be appointed by the Secretary consisting of at least three of the members shall represent the Virginia Indian community, and one nonlegislative citizen member shall represent the Commonwealth's scholarly community. The Librarian of Virginia, the Director of the Department of Historic Resources, and the Superintendent of Public Instruction, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of any such board shall be citizens of the Commonwealth. Members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

2. Any such board shall have the following powers and duties:

a. *Establish guidance for documentation required to meet the criteria for full recognition of the Virginia Indian tribes that is consistent with the principles and requirements of federal tribal recognition;*

b. *Establish a process for accepting and reviewing all applications for full tribal recognition;*

c. *Appoint and establish a workgroup on tribal recognition composed of nonlegislative citizens at large who have knowledge of Virginia Indian history and current status. Such workgroup (i) may be activated in any year in which an application for full tribal recognition has been submitted and in other years as deemed appropriate by any such board and (ii) shall include at a minimum a certified genealogist and at least two scholars with recognized familiarity with Virginia Indian tribes, together with a working knowledge of Indian law. No member of the workgroup shall be associated in any way with the applicant. Members of the workgroup shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825;*

d. *Solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal property for the purpose of aiding or facilitating the work of the board;*

e. *Make recommendations to the Secretary for full tribal recognition based on the findings of the workgroup and the board; and*

f. *Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this subsection.*

INTRODUCED

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