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HOUSE BILL NO. 1525

Offered January 9, 2020

A *BILL to amend and reenact § 2.2-401.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-401.02, relating to Tribal Land Repatriation Program and Fund created.*

Patrons—Krizek and McQuinn; Senator: McClellan

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-401.01 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-401.02 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; ~~and~~
3. *Administer the Tribal Land Repatriation Program and Fund created pursuant to § 2.2-401.02.*

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 as follows: at least three of the members shall be members of Virginia recognized tribes to 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. Ex officio members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. The Secretary of the Commonwealth shall appoint a chairperson from among the members for a two-year term. 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 genealogist and at least two scholars with recognized familiarity with Virginia Indian tribes. 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.

§ 2.2-401.02. Tribal Land Repatriation Program and Fund created.

A. As used in this section:

"Program" means the Tribal Land Repatriation Program created pursuant to this section.

"Tribe" means the Mattaponi, Pamunkey, Chickahominy, Eastern Chickahominy, Rappahannock, Upper Mattaponi, Nansemond, Monacan Indian Nation, Cheroenhaka (Nottoway), Nottoway of Virginia, Patowomeck, or any other Indian tribe recognized by the federal government or by the Commonwealth.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the

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59 Tribal Land Repatriation Fund, referred to in this section as "the Fund." The Fund shall be established
60 on the books of the Comptroller. All funds appropriated for the purposes identified in this section and
61 any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state
62 treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and
63 be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each
64 fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall
65 be used solely for the purposes of funding grants to tribes for purchase and repatriation of land as
66 provided in subsection C. Expenditures and disbursements from the Fund shall be made by the State
67 Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of the
68 Commonwealth.

69 C. 1. The Secretary of the Commonwealth shall create and administer the Program for the purpose
70 of funding grants to tribes for purchase and repatriation of land. The Secretary shall develop an
71 application process by which tribes may apply for grants from the Fund and shall develop criteria for
72 the monetary amount of grants to be awarded from the Fund. The Secretary shall issue grants on a pro
73 rata basis based on the amount in the Fund for a fiscal year to applicants he determines meet the
74 criteria specified in subdivision 2.

75 2. To be eligible for a grant from the Fund, a tribe's application must:

76 a. Demonstrate that it intends to use the grant to purchase land of cultural or historical significance
77 to the tribe;

78 b. Provide documentation of the location, size, and expected purchase price of the land; and

79 c. Meet any other criteria the Secretary deems appropriate.

80 D. In order to carry out the administration and management of the Fund, the Secretary is granted
81 the power to contract with or employ officers, employees, agents, advisers and consultants, including
82 attorneys, financial advisers, public accountants, engineers, and other technical advisers, and, the
83 provisions of any other law to the contrary notwithstanding, to determine their duties and compensation
84 without the approval of any other agency or instrumentality. The Secretary may disburse from the Fund
85 his reasonable costs and expenses incurred in the administration and management of the Fund.

86 E. The Secretary shall submit annually a plan outlining the proposed uses of the Fund to the
87 General Assembly. The plan shall be provided to the Chairmen of the House Committee on
88 Appropriations and the Senate Committee on Finance no later than November 1 of each year.