

# HOUSE BILL 41

P3  
HB 691/09 – HGO

(PRE-FILED)

4lr0750

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By: **Delegates Murphy and Branch**

Requested: October 29, 2013

Introduced and read first time: January 8, 2014

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 13, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland ~~Native American~~ Indian Status – Standards for Recognition**

3 FOR the purpose of specifying that the special circumstances that must be taken into  
4 account by certain standards for recognition established by the Commission on  
5 Indian Affairs by regulation must include ~~existing~~ circumstances created by  
6 State law; altering the criteria that are required to be included in the standards;  
7 defining a certain term; making conforming changes; providing for the  
8 construction of this Act; and generally relating to recognition of Maryland  
9 Indian status.

10 BY repealing and reenacting, with amendments,  
11 Article – State Government  
12 Section 9.5–311  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2013 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – State Government**

18 9.5–311.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) (1) In accordance with Title 10, Subtitle 1 of this article, the  
 2 Commission shall adopt regulations to carry out §§ 9.5–309 and 9.5–310 of this  
 3 subtitle.

4 (2) The regulations shall:

5 (i) create the application process;

6 (ii) set genealogical standards; and

7 (iii) specify the standards to be satisfied by an Indian community  
 8 applying for formal recognition of Maryland Indian status.

9 (b) (1) [The standards adopted under subsection (a) of this section shall  
 10 be generally consistent with the standards of the United States Bureau of Indian  
 11 Affairs for tribal recognition by the United States.] IN THIS SUBSECTION,  
 12 “HISTORICALLY” MEANS BEFORE 1900.

13 (2)~~†~~ The standards shall take into account the special circumstances of  
 14 Indians indigenous to the State, INCLUDING EXISTING CIRCUMSTANCES CREATED  
 15 BY STATE LAW.

16 ~~†(3)†~~ ~~(2)~~ The standards shall require:

17 (i) that the petitioning group be **HISTORICALLY** identified  
 18 [from historical times until the present] as Indian;

19 (ii) that the members of the petitioning group be descendants  
 20 from an Indian tribe that existed historically and is indigenous to the State or derived  
 21 from ~~historical~~ tribes that were **HISTORICALLY** indigenous to the State ~~before [1790]~~  
 22 ~~1900~~;

23 (iii) that the members of the petitioning group be descendants of  
 24 an Indian tribe that historically inhabited a specific area in the State ~~before [1790]~~  
 25 ~~1900~~; and

26 (iv) that the membership of the petitioning group be composed  
 27 principally of individuals who are not members of any ~~other~~ **FEDERALLY OR STATE**  
 28 **RECOGNIZED AMERICAN** Indian ~~community~~ **TRIBE, BAND, GROUP, OR CLAN.**

29 ~~†(4)†~~ ~~(3)~~ The Commission may adopt regulations to establish any  
 30 other standards that the Commission considers necessary.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
 32 construed to affect:

1           (1) The recognition of Maryland Indian status of any Indian  
2 community in the State; or

3           (2) Any rights or requirements regarding Indian tribe property or  
4 gaming under the federal Indian Gaming Regulatory Act or any other federal law.

5           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.