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§9.5–309.

(a) Subject to the approval of the Governor, the Commission may by regulation establish a process for an Indian community that is indigenous to the State to apply to the Commission for recognition of Maryland Indian status.

(b) (1) If the Commission finds that a petitioning group meets the requirements for recognition, the Commission may recommend to the Governor that it be granted recognition of Maryland Indian status.

(2) A member of the Commission may not vote or participate in deliberations on an application for recognition of Maryland Indian status made by the petitioning group to which the member belongs.

(c) (1) The Governor may issue an executive order providing recognition of Maryland Indian status to the petitioning group.

(2) The executive order:

(i) shall be submitted to the Joint Committee on Administrative, Executive, and Legislative Review; and

(ii) shall take effect 30 days after it is submitted.

(d) (1) This section does not:

(i) create a right of ownership or any other right to land;

(ii) create a benefit or entitlement of any kind;

(iii) impair existing rights, benefits, or entitlements belonging to Indians living in the State;

(iv) impair existing judicial rulings of the State regarding Indians of the State; or

(v) give the Commission the power to establish standards for membership in an Indian community.

(2) The power to establish standards for membership in an Indian community is reserved to the community.

(3) An act or failure to act by the Commission under this section does not create a private cause of action under State law.

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