

HOUSE BILL 128

P1

8lr1505

By: **Delegate Branch**

Introduced and read first time: January 17, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Indian Status – Standards**

3 FOR the purpose of altering the criteria that are required to be included in certain
4 standards established by the Commission on Indian Affairs by regulation;
5 providing for the intent and construction of this Act; and generally relating to
6 recognition of Maryland Indian status.

7 BY repealing and reenacting, with amendments,
8 Article – Human Services
9 Section 2–511
10 Annotated Code of Maryland
11 (2007 Volume)

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

14 **Article – Human Services**

15 2–511.

16 (a) (1) In accordance with Title 10, Subtitle 1 of the State Government
17 Article, the Commission shall adopt regulations to carry out §§ 2–509 and 2–510 of
18 this subtitle.

19 (2) The regulations shall:

20 (i) create the application process;

21 (ii) set genealogical standards; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (b) (1) The standards adopted under subsection (a) of this section shall be
4 generally consistent with the standards of the United States Bureau of Indian Affairs
5 for tribal recognition by the United States.

6 (2) The standards shall take into account the special circumstances of
7 Indians indigenous to the State.

8 (3) The standards shall require:

9 (i) that the petitioning group be identified from historical times
10 until the present as Indian;

11 (ii) that the members of the petitioning group be descendants
12 from an Indian tribe that existed historically and is indigenous to the State or derived
13 from historical tribes that were indigenous to the State before [1790] **1900**;

14 (iii) that the members of the petitioning group be descendants of
15 an Indian tribe that historically inhabited a specific area in the State before [1790]
16 **1900**; and

17 (iv) that the membership of the petitioning group be composed
18 principally of individuals who are not members of any other Indian community.

19 (4) The Commission may adopt regulations to establish any other
20 standards that the Commission considers necessary.

21 SECTION 2. AND BE IT FURTHER ENACTED, That:

22 (1) It is the intent of the General Assembly to conform State law to
23 federal regulations establishing procedures and policy for federal acknowledgement of
24 tribal existence (25 CFR, Chapter I, Part 83); and

25 (2) This Act may not be construed to affect the recognition of
26 Maryland Indian status of any Indian community in the State.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2008.