

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 128 (Delegate Branch)
Health and Government Operations

Maryland Indian Status - Standards

This bill alters the date criteria for recognition of an Indian tribe. An Indian tribe will be recognized if it was derived from a tribe that was indigenous to the State before 1900. The stated intent of this change is to bring the Maryland Commission on Indian Affairs' regulations into conformance with those of the U.S. Bureau of Indian Affairs.

Fiscal Summary

State Effect: None. State government operations and finances would not be materially affected.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: The Maryland Commission on Indian Affairs initiates and coordinates projects that further the understanding of Indian history and culture. In order for a group to have its Maryland Indian status recognized, a member of that group must petition the commission. Among the criteria developed by the commission is the requirement that the petitioning group be descendants or derived from an Indian tribe that existed historically and was indigenous to the State before 1790. The regulations must also be generally consistent with the standards of the U.S. Bureau of Indian Affairs for tribal recognition.

Background: In order to bring the State's recognition standards into conformance with the regulations of the U.S. Bureau of Indian Affairs, the date by which a petitioning member's group must be shown to have existed must change. Pursuant to 25 CFR 83.7 of the Code of Federal Regulations, the U.S. Bureau of Indian Affairs requires that a petitioning member produce evidence that its group was identified as an American Indian tribe before 1900.

Exhibit 1 shows the eight tribes currently identified by the Maryland Commission on Indian Affairs 2007 Annual Report as indigenous to Maryland. However, the commission advises that no tribes are formally recognized as tribes by the State. In addition, the commission advises that it does not anticipate any newly recognized tribes as a result of the bill.

Exhibit 1
Maryland Indigenous Tribes

Accohannock Indian Tribe
Assateague Peoples Tribe
Cedarville Band of Piscataway Indians
Nause-Waiwash Band of Indians
Piscataway Conoy Confederacy and Sub-Tribes
Piscataway Indian Nation
Pocomoke Indian Tribe
Youghiogheny River Band of Shawnee Indians

Source: Maryland Department of Human Resources Commission on Indian Affairs, 2007 Annual Report

State Fiscal Effect: The Office of the Governor advises that the bill is unlikely to have a fiscal impact. However, although State recognition of Indian status alone does not implicate the provision of any State benefits, it could make it easier for businesses owned by an acknowledged tribe member to be eligible as a minority business enterprise (MBE).

Small Business Effect: Potential minimal. To the extent that the bill makes it easier to be acknowledged as a Maryland Indian tribe, if a new tribe is recognized, it could qualify as an MBE.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Human Resources, Governor's Office,
Department of Legislative Services

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