

HOUSE BILL 691

P3

9lr2400
CF SB 575

By: **Delegates Murphy, Branch, Jameson, Kullen, Levy, and Proctor**

Introduced and read first time: February 9, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 9.5–311
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2008 Supplement)

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

14 **Article – State Government**

15 9.5–311.

16 (a) (1) In accordance with Title 10, Subtitle 1 of this article, the
17 Commission shall adopt regulations to carry out §§ 9.5–309 and 9.5–310 of this
18 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.



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

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

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

[(3)] (2) The standards shall require:

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

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

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

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

[(4)] (3) The Commission may adopt regulations to establish any other standards that the Commission considers necessary.

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.