

# HOUSE BILL 691

P3

9lr2400  
CF SB 575

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

Introduced and read first time: February 9, 2009

Assigned to: Health and Government Operations

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Committee Report: Favorable

House action: Adopted

Read second time: April 3, 2009

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

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:

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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 (i) create the application process;
- 2 (ii) set genealogical standards; and
- 3 (iii) specify the standards to be satisfied by an Indian community  
4 applying for formal recognition of Maryland Indian status.

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

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

10 [(3)] (2) The standards shall require:

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

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

16 (iii) that the members of the petitioning group be descendants of  
17 an Indian tribe that historically inhabited a specific area in the State before [1790]  
18 **1900**; and

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

21 [(4)] (3) The Commission may adopt regulations to establish any  
22 other standards that the Commission considers necessary.

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

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

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

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