

HOUSE BILL 41

P3
HB 691/09 – HGO

(PRE-FILED)

4lr0750

By: **Delegates Murphy and Branch**

Requested: October 29, 2013

Introduced and read first time: January 8, 2014

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 specifying that the special circumstances that must be taken into
4 account by certain standards for recognition established by the Commission on
5 Indian Affairs by regulation must include existing State law; altering the
6 criteria that are required to be included in the standards; providing for the
7 construction of this Act; and generally relating to recognition of Maryland
8 Indian status.

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 9.5–311
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2013 Supplement)

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

16 **Article – State Government**

17 9.5–311.

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

21 (2) The regulations shall:

22 (i) create the application process;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) set genealogical standards; and

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

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

7 (2) The standards shall take into account the special circumstances of
8 Indians indigenous to the State, **INCLUDING EXISTING STATE LAW.**

9 [(3)] (2) The standards shall require:

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

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

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

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

20 [(4)] (3) The Commission may adopt regulations to establish any
21 other standards that the Commission considers necessary.

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

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

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

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2014.