

2023 -- H 5020

LC000219

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RECOGNITION OF NATIVE AMERICAN TRIBES

Introduced By: Representatives Vella-Wilkinson, Noret, Morales, Casimiro, Bennett, Sanchez, Solomon, Kazarian, and J Lombardi

Date Introduced: January 06, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND  
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 165

4 RECOGNITION OF NATIVE AMERICAN TRIBES

5 **42-165-1. Petition for recognition.**

6 A Native American tribe may petition the state for recognition by providing the house of  
7 representatives with the following documentation:

8 (1) A statement of facts establishing that the tribe has been identified from historical times  
9 until the present on a substantially continuous basis as "American Indian" or "aboriginal";

10 (2) Evidence that a substantial portion of the group inhabits a specific area or lives in a  
11 community viewed as American Indian and that its members are descendants of an Indian tribe  
12 which historically inhabited a specific area;

13 (3) Evidence that the tribe has maintained tribal political authority or influence over its  
14 members as an autonomous entity throughout history until the present;

15 (4) A copy of the tribe's governing document, including membership criteria, or, if it does  
16 not have a formal governing document, a description of its membership criteria and governing  
17 procedures;

18 (5) An official membership list, any available former lists, and evidence that current

1 members descend from a historic tribe or tribes that combined into a single autonomous political  
2 entity;

3 (6) Evidence that the tribe consists mainly of people who are not members of an  
4 acknowledged North American Indian tribe; and

5 (7) A statement that the tribe is not the subject of the congressional legislation that has  
6 terminated or forbidden the federal trust relationship (pursuant to House Concurrent Resolution  
7 108 (HCR 108) of 1953).

8 **42-165-2. Legislative power.**

9 The general assembly is granted the authority to forward a petition for state recognition to  
10 the governor for enactment through legislation; provided, however, the general assembly has the  
11 authority to impose restrictions on the following activities:

12 (1) Gaming licensure and/or permission to establish a casino;

13 (2) Creation of a state reservation or relinquishment of government land; and

14 (3) Approval for state sales tax-free economic development ventures.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RECOGNITION OF NATIVE  
AMERICAN TRIBES

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- 1           This act would provide a procedure for a Native American tribe to petition the state for  
2 recognition.  
3           This act would take effect upon passage.

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