

SENATE BILL 2177

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 4,
relative to recognition of Native American Indian
Tribes, Bands, Groups and Associations.

WHEREAS, Congress has acknowledged that state governments have the authority to recognize Indian tribes; and

WHEREAS, Recognition by the state of Tennessee of bona fide Indian tribes would provide members of such tribes an opportunity to increase tourism in this state through the exploration of Native American cultures; and

WHEREAS, A grant of state recognition allows members of recognized tribes to apply for certain federal government grants and benefits, scholarships for Native American students, and to market goods they produce as being labeled as made by Native Americans; and

WHEREAS, Two tribes have previously been recognized by the state of Tennessee as Native American organizations and one has a Master Roll, dated March 21, 1857; and

WHEREAS, State recognition would not incur any cost to state or local governments; and

WHEREAS, The official recognition of the identity of many Native Americans would not only benefit the state but would also provide affirmation and satisfaction to Native Americans who have struggled to preserve tribal traditions and languages; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding Sections 2 through 7 of this act as a new, appropriately designated chapter.

SECTION 2. The general assembly extends state recognition with full legal rights and protections to certain Indian-descended entities that have functioned in specific ways over time.

SECTION 3. An Indian tribe, band, or group is a population of people related to one another by blood through their Native American Indian ancestry and tracing their heritage to a Native American Indian tribe, band, or group indigenous to Tennessee. Petitioners for state recognition must submit a petition requesting state recognition to the Tennessee Native American Council.

SECTION 4. In order to be recognized as a tribe, band, or group, the petitioner must demonstrate:

(1) The applicant is indigenous to Tennessee has been identified on a substantially continuous basis as Native American Indians throughout the history of their group;

(2) A majority of the applicant inhabits a particular geographic area in Tennessee or lives in a community in Tennessee viewed as Native American Indian and distinct from all other populations in the geographic area;

(3) A majority of its members consist of individuals who have established verifiable documented lineage from an Indian tribe that has historically lived in Tennessee;

(4) The applicant has maintained tribal political or other authority over its members, or is able to demonstrate existence as a continuous, distinct cultural entity capable of self-regulation, throughout the applicant's history until the present; and

(5) The membership of the applicant is composed of a majority of persons who are not members of any other North American federal or state recognized tribe.

SECTION 5. The general assembly designates the Tennessee Native American Council as the entity that shall review and present for recognition any tribes, bands, and groups which seek state recognition. If the Tennessee Native American Council determines state recognition is fitting for a Native American tribe, band or group, it shall forward its recommendation to the Tennessee general assembly. The Tennessee general assembly may accept or reject any recommendation for state recognition of a Native American tribe, band or group. State

recognition of a Native American tribe, band or group shall only be valid upon action by the general assembly.

SECTION 6.

(a) The following information shall be provided to the Tennessee Native-American Council by an applicant for state recognition:

(1) A copy of the applicant's present governing document or statement describing in full the membership criteria and the procedures through which the applicant governs its affairs and members;

(2) A list of all known current members of the applicant and a copy of any list of former members that is available, based on the applicant's own defined criteria;

(3) A history of the applicant from 1900 to present day written by a historian or anthropologist. Such history shall be limited to two thousand (2,000) words, unless waived by the Tennessee Native-American Council; and

(4) Such additional information the applicant deems relevant, to include:

(A) Documented traditions, customs and legends that demonstrate the Group's Native American Indian cultural heritage;

(B) Letters, statements and documents from local, state or federal authorities that demonstrate a history of tribal-related business and activities implementing Native American Indian culture and preservation of its traditions;

(C) Letters, statements and documents from federal or state recognized tribes, including tribes not in Tennessee, that attest to the Indian heritage of the applicant; and

(D) Other documentation acceptable to the Tennessee Native-American Council.

(b) A signed and notarized statement from the officers of the applicant shall be provided. Such statement shall affirm that to the best of the officers' knowledge, information and belief the information provided is true and accurate.

SECTION 7. An application for state recognition may be returned by the Tennessee Native-American Council to an applicant if further information is needed or if information provided is inaccurate. An applicant may re-submit an application for state recognition as often as necessary until such time the Tennessee Native-American Council determines it has sufficient information to make a decision. The decision of the Tennessee Native-American Council is final and not subject to appeal unless other information that was not available at the time of application is submitted. The burden of proof shall be upon the applicant that such information is relevant and was not available at the time of the application.

SECTION 8. An applicant shall be notified in writing of the date, time and location of the meeting of the Tennessee Native-American Council in which their application will be reviewed. The Tennessee Native-American Council shall confirm or deny the application within twelve (12) month's of the review of such application. The Tennessee Native-American Council shall notify each applicant in writing of its decision.

SECTION 9. An applicant may withdraw its application at any time before a final decision by the Tennessee Native-American Council is rendered by submitting a written request to withdraw. Upon request of an applicant all documents submitted by such applicant shall be returned at the applicant's expense.

SECTION 10. The general assembly recognizes that three (3) applicants have met the provisions of this act for state recognition. For purposes of state Native American Indian recognition with full legal rights and protections, the general assembly recognizes the following tribes, bands and groups:

(1) Remnant Yuchi Nation;

(2) Tanasi Council; and

(3) United Eastern Lenape Nation of Winfeld.

SECTION 11. The department of environment and conservation is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.