

(2) THE REGULATIONS SHALL ADDRESS THE APPLICATION PROCESS AND GENEEOLOGICAL STANDARDS, AND SHALL SPECIFY THE CRITERIA WHICH MUST BE SATISFIED BY A TRIBE, BAND, GROUP, OR CLAN APPLYING FOR RECOGNITION.

(3) THE CRITERIA SHALL BE GENERALLY CONSISTENT WITH THE CRITERIA ESTABLISHED BY THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, FOR TRIBAL RECOGNITION BY THE UNITED STATES OF AMERICA, TAKING INTO ACCOUNT THE SPECIAL CIRCUMSTANCES OF AMERICAN INDIANS INDIGENOUS TO MARYLAND AND SHALL INCLUDE THE FOLLOWING CRITERIA:

(I) THE PETITIONING GROUP HAS BEEN IDENTIFIED FROM HISTORICAL TIMES UNTIL THE PRESENT AS "AMERICAN INDIAN" OR "ABORIGINAL";

(II) THE MEMBERS OF THE PETITIONING GROUP ARE DESCENDANTS FROM A TRIBE THAT EXISTED HISTORICALLY AND IS EITHER INDIGENOUS TO MARYLAND OR DERIVED FROM HISTORICAL TRIBES INDIGENOUS TO MARYLAND PRIOR TO 1790;

(III) THE MEMBERS OF THE PETITIONING GROUP ARE DESCENDANTS OF AN INDIAN TRIBE THAT HISTORICALLY INHABITED A SPECIFIC AREA IN MARYLAND PRIOR TO 1790;

(IV) THE MEMBERSHIP OF THE PETITIONING GROUP IS COMPOSED PRINCIPALLY OF PERSONS WHO ARE NOT MEMBERS OF ANY OTHER NORTH AMERICAN TRIBE, BAND, GROUP, OR CLAN; AND

(V) ANY OTHER CRITERIA THAT THE COMMISSION CONSIDERS NECESSARY THROUGH REGULATIONS ADOPTED BY THE COMMISSION.

(C) (1) UPON THE COMMISSION'S DETERMINATION THAT A PARTICULAR TRIBE, BAND, GROUP, OR CLAN HAS MET THE REQUIREMENTS FOR RECOGNITION SET FORTH IN THE REGULATIONS, THE COMMISSION MAY RECOMMEND FORMAL RECOGNITION TO THE GOVERNOR.

(2) A COMMISSIONER MAY NOT VOTE OR PARTICIPATE IN ANY WAY IN THE DELIBERATIONS WITH RESPECT TO ANY APPLICATION FOR FORMAL RECOGNITION OF MARYLAND INDIAN STATUS MADE BY AN INDIAN TRIBE, BAND, GROUP, OR CLAN OF WHICH THE COMMISSIONER IS A MEMBER.

(D) (1) IF THE GOVERNOR CONCURS WITH THE COMMISSION'S RECOMMENDATION, THE GOVERNOR MAY PROPOSE BY EXECUTIVE ORDER TO PROVIDE FORMAL RECOGNITION TO THE PARTICULAR TRIBE, BANK BAND, GROUP, OR CLAN.

(2) AN EXECUTIVE ORDER PROPOSED TO BE PROMULGATED UNDER THIS SUBSECTION SHALL FIRST BE PRESENTED TO THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW