

WILLIAM DONALD SCHAEFER, Governor

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, 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 FOR REVIEW BY THE MEMBERS OF THE COMMITTEE. THE EXECUTIVE ORDER SHALL TAKE EFFECT 30 DAYS AFTER SUBMISSION TO THE COMMITTEE.

(e) (E) (1) THE PROVISIONS OF THIS SECTION ARE NOT INTENDED TO CREATE ANY RIGHTS OF OWNERSHIP OR OTHER RIGHTS TO LAND OR TO CREATE ANY BENEFITS OR ENTITLEMENTS OF ANY KIND, NOR ARE THEY INTENDED TO IMPAIR VALID EXISTING RIGHTS, BENEFITS, OR ENTITLEMENTS BELONGING TO AMERICAN INDIANS RESIDING IN THE STATE.