

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 342 – Commission on Indian Affairs – Formal Recognition of Maryland Indian Status.

House Bill 342 establishes a new procedure for providing formal State recognition of Maryland Indian status by altering the duties of the Commission on Indian Affairs, the Secretary of the Department of Housing and Community Development and the Governor. House Bill 342 would require the Secretary to transmit a recommendation from the Commission regarding a request for formal recognition of Indian status by an Indian tribe, band, group or clan to the Governor within 60 days of receiving the recommendation. The Governor would be required to act within 120 days of receiving the recommendation. The bill applies retroactively to any recommendation made by the Commission after January 1, 2001.

The process for State recognition is a complicated one. It requires significant historical work by the applicant, the Commission and the State. The decision to veto House Bill 342 is a difficult one, given the heartfelt dedication of the sponsor of this bill to the issue and the impact of this process on applicants for recognition. I have concerns about the bill, however, for two reasons: the bill restricts the authority of the Governor in this area, and unfortunately, the specter of expanded gambling opportunities in Maryland continues to loom over this issue.

Admittedly, the road to federal recognition (and the potential for gambling opportunities as a result of that recognition) is a long one. Additionally, other benefits are associated with achieving recognized status. The history of the applicants who supported the bill is, unfortunately, sprinkled with visions of gambling prospects at the end of the recognition rainbow. In the past, the applicants have publicly stated an interest in gambling after federal recognition and acknowledged that developers with an interest in gambling provided some funds to support the group's ancestry research efforts. These statements have rekindled the perception in the public forum that gambling is the desired end result and that House Bill 342 is the vehicle for that result. This may or may not be accurate, and I have no doubt that the focus of the sponsor of the bill is unrelated to gambling. The sponsor has sincerely worked to minimize the concerns of this Administration that House Bill 342 is a precursor to expanded gambling. At the sponsor's request, language was amended onto the bill making clear that passage of the bill did not create any right to gambling activities. Unfortunately, the amendment has not removed speculation that gambling is inevitable and does not prohibit gambling from occurring if federal recognition is eventually achieved.

In light of this uncertainty, I am concerned about the general issue of restricting the Governor's power to make a decision on recognition and the particular issue of the time frames established by the bill. The bill, if signed, has an effective date of October 1, 2002. Section 3 of the bill requires the Governor to act on a pending application within 120 days of that effective date. This would require the current Governor to make a decision within the last 107 days of this term, or require the incoming Governor to make a decision within the first 13 days of the new term. Generally, these are not time frames within which the public wants to have its elected officials make