

**ALABAMA INDIAN AFFAIRS COMMISSION
ADMINISTRATIVE CODE****CHAPTER 475-X-3
PROCEDURES AND CRITERIA FOR THE RECOGNITION OF INDIAN TRIBES,
BANDS, OR GROUPS****TABLE OF CONTENTS**

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475-X-3-.01 Procedure For Recognition.

(1) Petitioner shall submit to the Alabama Indian Affairs Commission a petition requesting state recognition which contains the information described below. The petition must indicate the type of recognition sought as specified in Rule No. 475-X-3-.02 of these regulations.

(2) A decision in favor of recognition must be rendered by a three-fourths (3/4) majority vote of the commission members. The time period in which the commission may process and render a decision on the petition shall not exceed fifteen (15) months from the date of receipt of applicability by the commission.

(3) A decision of denial may be timely appealed. Such appeal for reconsideration must be made not later than 30 days from the date of the commission decision. The request for reconsideration shall specify one of the following categories:

(a) Appeal with New and/or Additional Evidence:

1. Petitioner shall prepare an appeal of petition which presents new or additional evidence not previously presented to the commission for consideration. Petitioner shall have 90 days from the date of the request for reconsideration within which to submit said new or additional evidence.

(b) Appeal without New and/or Additional Evidence:

1. Petitioner shall prepare an appeal of petition stating specifically why the commission should reconsider its decision. Petitioner shall have 30 days from the date of

request for reconsideration to present its case for reconsideration.

(c) In either of the above situations, the petitioner appellant must be afforded a hearing within 90 days of receipt of such documentation as stated in (a) and (b) above. The commission shall thereafter render its decision not more than fifteen (15) months from the date of such meeting.

(d) All notices called for shall be in writing by certified or registered mail.

Author: Criteria Committee Draft modified and adopted by Alabama Indian Affairs Commission.

Statutory Authority: Code of Ala. 1975, §41-9-702.

History: Filed April 5, 1985. **Amended:** Filed June 13, 2003; effective July 18, 2003.

475-X-3-.02 Types Of Recognition.

(1) An "Indian Tribe, Band, or Group" is a population of Indian people related to one another by blood through their Indian ancestry, tracing their heritage to an Indian tribe, band, or group indigenous to Alabama. No splinter groups, political factions, communities or groups of any character which separate from the main body of a tribe, band, or group currently recognized by the State of Alabama may be considered for recognition by the Commission.

(a) Splinter groups are ineligible to make application for state recognition. Splinter groups are defined in the Glossary for the recognition criteria as "an individual member/former member or group of members/former members who have relinquished membership in a federal or state recognized Indian entity to start or participate in a parallel or similar Indian entity."

(b) A group, as a religious sect or a political faction, that has broken away from a parent group.

Author: Criteria Committee Draft modified and adopted by Alabama Indian Affairs Commission.

Statutory Authority: Code of Ala. 1975, §41-9-702.

History: Filed April 5, 1985. **Amended:** Filed April 5, 1995; effective May 10, 1995. **Amended:** Filed June 13, 2003; effective July 18, 2003.

475-X-3-.03 Criteria For Recognition As A Tribe, Band Or Group.

(1) Petitioner must meet all criteria as specified in this section.

(2) Petitioner must present a list of at least five hundred (500) members who reside in the state of Alabama, of the tribe, band, or group (list must be inclusive by name and physical addresses), unless this requirement is waived by an affirmative vote of three-fourths (3/4) of the membership of the commission.

(3) Petitioner must present evidence that each of its members is a descendent of individuals recognized as Indian members of an historical Alabama tribe, band, or group found on rolls compiled by the federal government or otherwise identified on other official records or documents. Copies of ancestry charts with certified copies of birth certificates, or other official documents that clearly link petitioner to ancestor for each member must accompany the petition. Each chart must bear the notarized signature of the individual to whom it pertains.

(4) Petitioner must present satisfactory evidence that its members form a kinship group whose Indian ancestors were related by blood and such ancestors were members of a tribe, band or group indigenous to Alabama. This evidence may be the equivalent of the ancestry charts required in Section 3 above.

(5) The petitioner must swear or affirm the following:

(a) No individual holding or eligible for membership in a federally or state recognized tribe, band or group may be accepted for membership in the petitioning group.

NOTE: This requirement is for the protection of members of federally or state recognized tribes who might otherwise forfeit services by becoming members of a non-recognized tribal group.

(6) Evidence must be presented that the petitioning tribe, band or group has been identified with a tribe, band or group or Indian community from historical times (200 years) until the present as "American Indian" and has a currently functioning governing body.

(a) Ancestry charts must be verified and approved by written acknowledgement of a Certified Genealogist (CSL) who is a non-member of the petitioning tribe, band, group or Indian community.

(b) Genealogist must submit a copy of current licensure and documentation of credentials.

(c) Tribal history is a requirement. It may be prepared and written by the tribe, but it must be validated by a certified historian and/or anthropologist.

(d) Historian must submit a resume' of prior work along with documentation of credentials.

(7) Petitioner must include a statement bearing the notarized signatures of the three highest ranking officers of the petitioning tribe, band or group certifying that to the best of their knowledge and belief all information contained therein is true and accurate.

Author: Criteria Committee Draft modified and adopted by Alabama Indian Affairs Commission.

Statutory Authority: Code of Ala. 1975, §41-9-702.

History: Filed April 5, 1985. Emergency amendment filed August 28, 1985. Permanent amendment filed November 5, 1985. **Amended:** Filed June 13, 2003; effective July 18, 2003.

475-X-3-.04 Criteria For Recognition As An Indian Association
(Repealed 7/18/03).

(Repealed 7/18/03)

Author: Criteria Committee Draft modified and adopted by Alabama Indian Affairs Commission

Statutory Authority: Code of Ala. 1975, §41-9-702.

History: Filed April 5, 1985. **Repealed:** Filed June 13, 2003; effective July 18, 2003.