

2023 -- H 5969

LC001467

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- NARRAGANSETT INDIAN LAND  
MANAGEMENT CORPORATION

Introduced By: Representatives Henries, Sanchez, Morales, J. Lombardi, Felix, and  
Alzate

Date Introduced: March 01, 2023

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 37-18-7, 37-18-10 and 37-18-11 of the General Laws in Chapter 37-  
2 18 entitled "Narragansett Indian Land Management Corporation" are hereby repealed.

3 ~~**37-18-7. Transfer of property—Restrictions on use.**~~

4 ~~(a) Subject to the provisions of §§ 37-18-12, 37-18-13, and 37-18-14, upon the adoption of~~  
5 ~~a land use plan accepted by the town and the corporation pursuant to § 37-18-10 and the satisfaction~~  
6 ~~of the requirements set forth in § 37-18-8, the governor is authorized, empowered, and directed to~~  
7 ~~transfer, assign, and convey to the corporation in fee simple all the right, title, and interest of the~~  
8 ~~state in and to the following approximately nine hundred (900) acres of real estate located in the~~  
9 ~~town;~~

10 ~~(1) The Indian Cedar Swamp management area;~~

11 ~~(2) Indian Burial Hill; and~~

12 ~~(3) The state land around Deep Pond.~~

13 ~~(b) Provided, however, that the state shall retain control of and public access shall be~~  
14 ~~guaranteed to an adequate fishing area within the state land around Deep Pond, and provided,~~  
15 ~~further, that the governor is only authorized, empowered, and directed to transfer, assign, and~~  
16 ~~convey to the corporation the real estate which is located around Deep Pond upon the governor's~~  
17 ~~making a finding that the required and appropriate federal approval of the transfer has been obtained~~  
18 ~~so that the transfer will not affect, in any adverse manner, any benefits received by the state under~~

1 ~~the Pittman Robertson Act, 16 U.S.C. § 669 et seq. and the Dingell Johnson Act, 16 U.S.C. § 777~~  
2 ~~et seq.~~

3 ~~(c) Upon the same findings and determinations outlined above, the governor is authorized,~~  
4 ~~empowered, and directed to transfer, assign, and convey to the corporation and its assigns a~~  
5 ~~mutually acceptable exclusive (except as to lateral crossing) right and easement to pass by foot and~~  
6 ~~vehicle over a forty five foot (45') wide strip of state land located within the town between Kings~~  
7 ~~Factory Road and Watchaug Pond, and to use an area at the end of the strip sufficiently large for~~  
8 ~~the parking of automobiles and the launching of boats.~~

9 ~~(d) The authority herein granted to the governor shall be in addition to any other authority~~  
10 ~~conferred upon him or her by law. The real estate conveyed by the state to the corporation pursuant~~  
11 ~~to the provisions of this section shall be held in perpetuity for conservation purposes and shall not~~  
12 ~~be improved or developed by the corporation.~~

13 **37-18-10. Land use plan.**

14 ~~(a) All real property owned and held by the corporation shall be subject to a land use plan~~  
15 ~~prepared by the office of state planning within the department of administration. No less than~~  
16 ~~seventy five percent (75%) of the land owned by the corporation, exclusive of the real property~~  
17 ~~described in § 37-18-7, shall not be improved and developed and shall be held in perpetuity for~~  
18 ~~conservation purposes, and the real property to be held in perpetuity for conservation purposes shall~~  
19 ~~be delineated in the land use plan. The land use plan shall be mutually acceptable to the corporation~~  
20 ~~and the town. Acceptance by the town of the plan shall not be unreasonably withheld. Upon~~  
21 ~~acceptance of the plan by the town, the town shall amend its zoning ordinance adopted pursuant to~~  
22 ~~chapter 24 of title 45 so as to conform to the plan. The zoning ordinance as amended shall govern~~  
23 ~~the land use of real property owned by the corporation and the ordinance shall not be further~~  
24 ~~amended in a manner inconsistent with the plan without the consent of the corporation; provided,~~  
25 ~~however, that the ordinance shall not be amended in any manner affecting the land designated in~~  
26 ~~the land use plan for conservation purposes.~~

27 ~~(b) The corporation shall not be entitled to use any portion of the real property to be owned~~  
28 ~~and held by the corporation until such time as the land use plan is adopted by the corporation and~~  
29 ~~accepted by the town.~~

30 **37-18-11. Civil and criminal jurisdiction.**

31 ~~Except as otherwise provided, the corporation and all its authorized activities shall be~~  
32 ~~subject to all the criminal and civil laws of the state and the town.~~

33 SECTION 2. Sections 37-18-2, 37-18-13 and 37-18-14 of the General Laws in Chapter 37-  
34 18 entitled "Narragansett Indian Land Management Corporation" are hereby amended to read as

1 follows:

2 **37-18-2. Definitions.**

3 (a) "Corporation" means the Narragansett Indian land management corporation established  
4 by § 37-18-3.

5 (b) "Federal recognition" means the formal acknowledgement of the existence of an  
6 American Indian tribe pursuant to 25 U.S.C. § 1707 and 25 Code of Federal Regulations, Part 83.

7 (c) "Improvement" means land preparation and provision of public improvements such as  
8 streets, sewers, and water lines needed for commercial and residential development.

9 (d) "Indian" means those descendants of the individuals named on the list established  
10 pursuant to the Acts of 1880, ch. 800, § 4.

11 (e) "Indian corporation" means the Rhode Island non-business corporation known as the  
12 Narragansett Tribe of Indians.

13 (f) "Land use plan" means the plan established by the division of statewide planning and  
14 accepted by the town and the corporation.

15 (g) "Narragansett Indian Tribe" or "Narragansett Tribe of Indians" means the federally  
16 acknowledged and recognized tribe by 25 CFR § 83.11; 48 Fed. Reg. 6177-78 (1983).

17 ~~(g)~~(h) "Secretary of the interior" means the secretary of the United States department of  
18 the interior.

19 ~~(h)~~(i) "State" means the state of Rhode Island.

20 ~~(i)~~(j) "Town" means the town of Charlestown, Rhode Island.

21 **37-18-13. ~~Transfer of land to Indian tribe.~~ Transfer of land to the Narragansett Indian**  
22 **Tribe.**

23 Upon the presentation of federal recognition to the ~~Narragansett Indian land management~~  
24 ~~corporation and the secretary of state~~ Narragansett Indian Tribe, the Narragansett Indian land  
25 management corporation shall forthwith transfer and convey to the federally recognized  
26 Narragansett Tribe of Indians all powers, authority, rights, privileges, titles, and interest it may  
27 possess to any and all real property acquired, owned, and held for the benefit of those individuals  
28 of Narragansett Indian ancestry set forth in the list established pursuant to P.L. 1880 ch. 800, § 4,  
29 and thereafter, the Narragansett Indian land management corporation shall have no further interest  
30 in the real property. ~~All real property transferred by the Narragansett Indian land management~~  
31 ~~corporation to the federally recognized Narragansett Tribe of Indians pursuant to this provision:~~

32 ~~(a) Shall be subject to the same conditions, restrictions, limitations, or responsibilities set~~  
33 ~~forth in §§ 37-18-6(m)(2) and (m)(3), 37-18-8, 37-18-9, 37-18-10, and 37-18-11 hereof as are~~  
34 ~~applicable to the corporation and all its authorized activities.~~

1 ~~(b) Shall be subject to the civil and criminal laws of the state of Rhode Island and the town~~  
2 ~~of Charlestown, Rhode Island, except as otherwise provided herein.~~

3 ~~**37-18-14. Transfer of state land to the Indian tribes.**~~ **Transfer of state land to the**  
4 **Narragansett Indian Tribe.**

5 (a) Upon presentation of federal recognition to the ~~Narragansett Indian land management~~  
6 ~~corporation~~ Narragansett Indian Tribe and the secretary of state, the governor is authorized,  
7 empowered, and directed to transfer, assign, and convey to the Narragansett Tribe of Indians in fee  
8 simple all the right, title, and interest of the state in and to the following approximately nine hundred  
9 (900) acres of real estate located in the town;

10 (1) The Indian Cedar Swamp management area;

11 (2) Indian Burial Hill; and

12 (3) The state land around Deep Pond.

13 (b) Provided, however, that the state shall retain control of and public access shall be  
14 guaranteed to an adequate fishing area within the said state land around Deep Pond, and provided,  
15 further, that the governor is only authorized, empowered, and directed to transfer, assign, and  
16 convey to the Narragansett Tribe of Indians the real estate which is located around Deep Pond upon  
17 the governor's making a finding that the required and appropriate federal approval of the transfer  
18 has been obtained so that the transfer will not affect, in any adverse manner, any benefits received  
19 by the state under the Pittman Robertson Act, 16 U.S.C. § 669 et seq. and the Dingell Johnson Act,  
20 16 U.S.C. § 777 et seq.

21 (c) Upon the same findings and determinations outlined above, the governor is authorized,  
22 empowered, and directed to transfer, assign, and convey to the Narragansett Tribe of Indians and  
23 its assigns a mutually acceptable exclusive (except as to lateral crossing) right and easement to pass  
24 by foot and vehicle over a forty-five foot (45') wide strip of state land located within the town  
25 between Kings Factory Road and Watchaug Pond, and to use an area at the end of the strip  
26 sufficiently large for the parking of automobiles and the launching of boats.

27 (d) The authority herein granted to the governor shall be in addition to any other authority  
28 conferred upon him or her by law. The real estate conveyed by the state to the Narragansett Tribe  
29 of Indians pursuant to the provisions of this section shall be subject to the civil and criminal laws  
30 of the state of Rhode Island and the town of Charlestown, Rhode Island, except as otherwise  
31 provided herein, and shall be held in perpetuity for conservation purposes and shall not be improved  
32 or developed by the Narragansett Tribe of Indians.

33 SECTION 3. Chapter 37-18 of the General Laws entitled "Narragansett Indian Land  
34 Management Corporation" is hereby amended by adding thereto the following sections:

1           **37-18-16. Name change.**

2           Whenever in the general or public laws there appears any reference to the Narragansett  
3 Indian land management corporation such reference shall be construed to refer to the Narragansett  
4 Indian Tribe.

5           **37-18-17. Sovereignty.**

6           The State of Rhode Island hereby acknowledges the Narragansett Indian Tribe as the  
7 aboriginal people of this land, sovereign to the territory of what is now known as Rhode Island.

8           **37-18-18. Construction.**

9           The provisions of this chapter shall be liberally construed in order to accomplish the  
10 purposes hereof provided they are not inconsistent with the 1978 Rhode Island Indian Claims  
11 Settlement Act.

12           **37-18-19. Withdrawal.**

13           The State of Rhode Island withdraws those parts of the 1978 Settlement Act which are  
14 inconsistent with the provisions of this chapter, particularly the parts relating to public property and  
15 works of the Narragansett Indian land management corporation and with the concurrence of the  
16 Narragansett Indian Tribe.

17           SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO PUBLIC PROPERTY AND WORKS -- NARRAGANSETT INDIAN LAND  
MANAGEMENT CORPORATION

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- 1           This act would repeal sections of the Narragansett Indian Land Management Corporation
- 2 Act and acknowledge the Narragansett Indian Tribe as the sole aboriginal people sovereign to the
- 3 territory of what is now known as Rhode Island.
- 4           This act would take effect upon passage.

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