

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 988

Short Title: Restore Person Indian Recognition.

(Public)

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Sponsors: Representatives Wilkins; Black, Crawford, and Sutton.

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Referred to: State Government.

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April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 71A of the General Statutes is amended by adding a new section to read:

**"§ 71A-7. Indians of Person County; rights, privileges, immunities, obligations, and duties.**

The Indians who are descendants of those Indians living in Person County for whom the High Plains Indian School was established, shall, from and after July 20, 1971, be designated and officially recognized as the Indians of Person County, North Carolina, and shall continue to enjoy all their rights, privileges, and immunities as citizens of the State as now or hereafter provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

Section 2. G.S. 143B-407 reads as rewritten:

**"§ 143B-407. North Carolina State Commission of Indian Affairs – membership; term of office; chairman; compensation.**

(a) The State Commission of Indian Affairs shall consist of two persons appointed by the General Assembly, the Secretary of Human Resources, the Director of the State

1 Employment Security Commission, the Secretary of Administration, the Secretary of  
2 Environment, Health, and Natural Resources, the Commissioner of Labor or their  
3 designees and ~~18-19~~ representatives of the Indian community. These Indian members  
4 shall be selected by tribal or community consent from the Indian groups that are  
5 recognized by the State of North Carolina and are principally geographically located as  
6 follows: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees;  
7 the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke  
8 and Scotland Counties; the Meherrin of Hertford County; the Waccamaw-Siouan from  
9 Columbus and Bladen Counties; the Indians of Person County; and the Native  
10 Americans located in Cumberland, Guilford and Mecklenburg Counties. The Coharie  
11 shall have two members; the Eastern Band of Cherokees, two; the Haliwa, two; the  
12 Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the Indians of Person  
13 County, one; the Cumberland County Association for Indian People, two; the Guilford  
14 Native Americans, two; the Metrolina Native Americans, two. Of the two appointments  
15 made by the General Assembly, one shall be made upon the recommendation of the  
16 Speaker, and one shall be made upon recommendation of the President Pro Tempore of  
17 the Senate. Appointments by the General Assembly shall be made in accordance with  
18 G.S. 120-121 and vacancies shall be filled in accordance with G.S. 120-122.

19 (b) Members serving by virtue of their office within State government shall serve  
20 so long as they hold that office. Members representing Indian tribes and groups shall be  
21 elected by the tribe or group concerned and shall serve for three-year terms except that at  
22 the first election of Commission members by tribes and groups one member from each  
23 tribe or group shall be elected to a one-year term, one member from each tribe or group to  
24 a two-year term, and one member from the Lumbees to a three-year term. The initial  
25 appointment from the Indians of Person County shall expire on June 30, 1999.  
26 Thereafter, all Commission members will be elected to three-year terms. All members  
27 shall hold their offices until their successors are appointed and qualified. Vacancies  
28 occurring on the Commission shall be filled by the tribal council or governing body  
29 concerned. Any member appointed to fill a vacancy shall be appointed for the remainder  
30 of the term of the member causing the vacancy. The Governor shall appoint a chairman  
31 of the Commission from among the Indian members of the Commission, subject to  
32 ratification by the full Commission. The initial appointments by the General Assembly  
33 shall expire on June 30, 1983. Thereafter, successors shall serve for terms of two years.

34 (c) Commission members who are seated by virtue of their office within the State  
35 government shall be compensated at the rate specified in G.S. 138-6. Commission  
36 members who are members of the General Assembly shall be compensated at the rate  
37 specified in G.S. 120-3.1. Indian members of the commission shall be compensated at the  
38 rate specified in G.S. 138-5."

39 Section 3. This act is effective when it becomes law.