

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 897
Committee Substitute Favorable 4/18/01
Senate Judiciary I Committee Substitute Adopted 7/4/01

Short Title: Appts./Triangle Native American Society.

(Public)

Sponsors:

Referred to:

March 29, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE FOR REPRESENTATION OF THE TRIANGLE NATIVE
3 AMERICAN SOCIETY ON THE NORTH CAROLINA COMMISSION OF
4 INDIAN AFFAIRS, THE NORTH CAROLINA INDIAN HOUSING
5 AUTHORITY, AND THE BOARD OF THE NORTH CAROLINA INDIAN
6 CULTURAL CENTER, INCORPORATED.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 143B-407 reads as rewritten:

9 "**§ 143B-407. North Carolina State Commission of Indian Affairs – membership;**
10 **term of office; chairman; compensation.**

11 (a) The State Commission of Indian Affairs shall consist of two persons
12 appointed by the General Assembly, the Secretary of Health and Human Services, the
13 Director of the State Employment Security Commission, the Secretary of
14 Administration, the Secretary of Environment and Natural Resources, the
15 Commissioner of Labor or their designees and ~~19–20~~ representatives of the Indian
16 community. These Indian members shall be selected by tribal or community consent
17 from the Indian groups that are recognized by the State of North Carolina and are
18 principally geographically located as follows: the Coharie of Sampson and Harnett
19 Counties; the Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and
20 adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the
21 Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen
22 Counties; the Indians of Person County; and the Native Americans located in
23 ~~Cumberland, Guilford and Mecklenburg~~ Guilford, Johnston, Mecklenburg, Orange, and
24 Wake Counties. The Coharie shall have two members; the Eastern Band of Cherokees,
25 two; the Haliwa Saponi, two; the Lumbees, three; the Meherrin, one; the
26 Waccamaw-Siouan, two; the Indians of Person County, one; the Cumberland County
27 Association for Indian People, two; the Guilford Native Americans, two; the Metrolina
28 Native Americans, ~~two~~: two; the Triangle Native American Society, one. Of the two

1 appointments made by the General Assembly, one shall be made upon the
2 recommendation of the Speaker, and one shall be made upon recommendation of the
3 President Pro Tempore of the Senate. Appointments by the General Assembly shall be
4 made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with
5 G.S. 120-122.

6 (b) Members serving by virtue of their office within State government shall serve
7 so long as they hold that office. Members representing Indian tribes and groups shall be
8 elected by the tribe or group concerned and shall serve for three-year terms except that
9 at the first election of Commission members by tribes and groups one member from
10 each tribe or group shall be elected to a one-year term, one member from each tribe or
11 group to a two-year term, and one member from the Lumbees to a three-year term. The
12 initial appointment from the Indians of Person County shall expire on June 30, 1999.
13 The initial appointment from the Triangle Native American Society shall expire June
14 30, 2003. Thereafter, all Commission members will be elected to three-year terms. All
15 members shall hold their offices until their successors are appointed and qualified.
16 Vacancies occurring on the Commission shall be filled by the tribal council or
17 governing body concerned. Any member appointed to fill a vacancy shall be appointed
18 for the remainder of the term of the member causing the vacancy. The Governor shall
19 appoint a chairman of the Commission from among the Indian members of the
20 Commission, subject to ratification by the full Commission. The initial appointments by
21 the General Assembly shall expire on June 30, 1983. Thereafter, successors shall serve
22 for terms of two years.

23 (c) Commission members who are seated by virtue of their office within the State
24 government shall be compensated at the rate specified in G.S. 138-6. Commission
25 members who are members of the General Assembly shall be compensated at the rate
26 specified in G.S. 120-3.1. Indian members of the commission shall be compensated at
27 the rate specified in G.S. 138-5."

28 **SECTION 2.** G.S. 157-68 reads as rewritten:

29 "**§ 157-68. Commissioners of Authority.**

30 The Authority shall consist of not less than five nor more than ~~15~~ 16 commissioners
31 (the number to be set by the North Carolina State Commission of Indian Affairs) who
32 shall be appointed by the Governor, after receiving nominations from the North
33 Carolina State Commission of Indian Affairs. For each vacancy, the Governor must
34 appoint one person from a list of two eligible persons so nominated. Commissioners
35 shall be selected from the major groups of North Carolina Indians that elect members to
36 the North Carolina State Commission of Indian Affairs under G.S. 143B-407. No
37 person shall be barred from serving as a commissioner because he is a tenant or home
38 buyer in an Indian housing project."

39 **SECTION 3.** Subsection (b) of Section 2 of Chapter 41 of the 1997 Session
40 Laws, as amended by S.L. 1998-19, reads as rewritten:

41 "(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of
42 ~~16~~ 17 members, appointed as follows:

- 1 (1) One member representing each of the following Indian groups
2 recognized by the State of North Carolina: the Coharie of Sampson
3 and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of
4 Halifax, Warren, and adjoining counties; the Lumbees of Robeson,
5 Hoke, and Scotland Counties; the Meherrin of Hertford County; the
6 Indians of Person County; and the Waccamaw-Siouan from Columbus
7 and Bladen Counties;
- 8 (2) One member each from the following Indian organizations: the
9 Cumberland County Association for Indian People, the Guilford
10 Native Americans, ~~and the Metrolina Native Americans;~~ Americans,
11 and the Triangle Native American Society;
- 12 (3) One member representing the education community of the State;
- 13 (4) Two members representing the business community of the State;
- 14 (5) Two members representing the government of the State of North
15 Carolina; and
- 16 (6) One member representing the federal government.

17 Each member designated in subdivisions (1) and (2) above shall be appointed by the
18 North Carolina Commission of Indian Affairs from two prioritized nominations
19 submitted by the group or organization to be represented by that member. Each member
20 designated in subdivisions (3) through (6) above shall be appointed by the North
21 Carolina Commission of Indian Affairs from two prioritized nominations submitted by
22 the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or
23 organization submits only one nomination or fails to submit nominations for any reason
24 within 30 days after the date designated for submission by the Commission, the
25 Commission shall appoint a member of its choice to fill the requirement. The Board of
26 the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board
27 membership.

28 Members shall serve two-year terms, except that the initial terms of:

- 29 (1) The members representing the Coharie of Sampson and Harnett
30 Counties, the Eastern Band of Cherokees, the Indians of Person
31 County; and the Meherrin of Hertford County; the member
32 representing the Metrolina Native Americans; the member
33 representing the education community of the State; one member
34 representing the government of the State of North Carolina; and one
35 member representing the business community shall be for one year;
36 and
- 37 (2) The members representing the Haliwa of Halifax, Warren, and
38 adjoining counties, the Lumbees of Robeson, Hoke, and Scotland
39 Counties, and the Waccamaw-Siouan from Columbus and Bladen
40 Counties; the members representing the Cumberland County
41 Association for Indian People and the Guilford Native Americans; one
42 member representing the business community of the State; one

1 member representing the government of the State of North Carolina;
2 and one member representing the federal government shall be for two
3 years."

4 **SECTION 4.** In order to provide for appropriate staggering of terms, the
5 term of the member added to the Board of the North Carolina Indian Cultural Center,
6 Inc., pursuant to Section 3 of this act, to represent the Triangle Native American Society
7 shall run concurrently with the terms of the members whose initial terms were for two
8 years.

9 **SECTION 5.** This act is effective when it becomes law.