

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 635
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10328-LG-114

Short Title: Transfer Recognition Process of Indian Tribes. (Public)

Sponsors: Representative Goodwin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER OFFICIAL STATE RECOGNITION FOR INDIAN TRIBES IN
3 NORTH CAROLINA FROM THE NORTH CAROLINA COMMISSION OF INDIAN
4 AFFAIRS TO THE NORTH CAROLINA GENERAL ASSEMBLY.

5 Whereas, in 1971, the General Assembly created the North Carolina State
6 Commission of Indian Affairs (Commission). Since that time, the Commission has been
7 responsible for creating recognition criteria to granting official State recognition to Indian Tribes
8 in North Carolina; and

9 Whereas, only three Indian Tribes have been added to the Commission; and

10 Whereas, in 1986, the Meherrin Tribe was recognized by the Commission but were
11 not granted a seat on the Commission and have been the only Indian Tribe to successfully meet
12 the recognition standards created by the Commission; and

13 Whereas, in 1991, the General Assembly enacted legislation to add the Meherrin
14 Tribe to the Commission; and

15 Whereas, in 1997, the General Assembly enacted legislation to restore official
16 recognition to the Indians of Person County and, in 2003, enacted legislation to rename them as
17 the Sappony Tribe and added them to the Commission; and

18 Whereas, in 2001, after being denied recognition from the Commission, the
19 Occaneechi Tribe appealed the decision and were granted State recognition by the North Carolina
20 Court of Appeals and the General Assembly enacted legislation to add them to the Commission;
21 and

22 Whereas, the Commission has proven throughout its history to be defective in creating
23 and administering a fair and consistent State recognition process and has had to be corrected by
24 the General Assembly and the courts; and

25 Whereas, the recommendations of the 2014 Committee on Chowanoke Nation
26 Recognition Legislative Review Commission and the 2022 study of the Commission State
27 recognition process by the House Commission on Governmental Operations have concluded that
28 the Commission's State recognition process is flawed and needs changes and oversight by the
29 General Assembly; and

30 Whereas, the act of granting official State recognition to Indian Tribes in North
31 Carolina should be removed from the Commission and all Indian Tribes in North Carolina
32 seeking official State recognition should petition the General Assembly; Now, therefore,
33 The General Assembly of North Carolina enacts:

34 **SECTION 1.** G.S. 143B-406 reads as rewritten:

35 **"§ 143B-406. North Carolina State Commission of Indian Affairs – duties; use of funds.**

36 (a) The Commission shall have the following duties:



- 1 ...
- 2 (7) To conduct public hearings on matters relating to Indian ~~affairs and to~~
- 3 ~~subpoena any information or documents deemed necessary by the~~
- 4 ~~Commission.~~affairs.
- 5 (8) To study the existing status of recognition of all Indian groups, tribes and
- 6 communities presently existing in the State of North Carolina.
- 7 ~~(9) To establish appropriate procedures to provide for legal recognition by the~~
- 8 ~~State of presently unrecognized groups.~~
- 9 ~~(10) To provide for official State recognition by the Commission of such groups.~~
- 10 ~~(11) To initiate procedures for their recognition by the federal government.~~
- 11 (b) The Commission may adopt rules to implement the provisions of subdivision (a)(5)
- 12 of this section."

13 **SECTION 2.** The following rules adopted by the Commission of Indian Affairs are
14 repealed:

- 15 (1) 01 NCAC 15 .0201 (Authorization).
- 16 (2) 01 NCAC 15 .0202 (Definitions).
- 17 (3) 01 NCAC 15 .0203 (Groups Eligible for Petitioning Process).
- 18 (4) 01 NCAC 15 .0204 (Groups Ineligible for Recognition).
- 19 (5) 01 NCAC 15 .0205 (Commission Assistance to Petitioner).
- 20 (6) 01 NCAC 15 .0207 (Notice of Intent to Petition for Recognition).
- 21 (7) 01 NCAC 15 .0208 (Recognition Committee).
- 22 (8) 01 NCAC 15 .0209 (Procedure for Recognition).
- 23 (9) 01 NCAC 15 .0212 (Criteria for Recognition as an American Indian Tribe).

24 **SECTION 3.** This act is effective when it becomes law.