

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 635

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

Sponsors: Representative Goodwin.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Federal Relations and American Indian Affairs, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 18, 2023

A BILL TO BE ENTITLED

AN ACT TO TRANSFER OFFICIAL STATE RECOGNITION FOR INDIAN TRIBES IN NORTH CAROLINA FROM THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO THE NORTH CAROLINA GENERAL ASSEMBLY.

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

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

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

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

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

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

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

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

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

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



1 "§ 143B-406. North Carolina State Commission of Indian Affairs – duties; use of funds.

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

3 ...

4 (7) To conduct public hearings on matters relating to Indian affairs ~~and to~~
5 ~~subpoena any information or documents deemed necessary by the~~
6 ~~Commission-affairs.~~

7 (8) To study the existing status of recognition of all Indian groups, tribes and
8 communities presently existing in the State of North Carolina.

9 ~~(9) To establish appropriate procedures to provide for legal recognition by the~~
10 ~~State of presently unrecognized groups.~~

11 ~~(10) To provide for official State recognition by the Commission of such groups.~~

12 ~~(11) To initiate procedures for their recognition by the federal government.~~

13 (b) The Commission may adopt rules to implement the provisions of subdivision (a)(5)
14 of this section."

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

17 (1) 01 NCAC 15 .0201 (Authorization).

18 (2) 01 NCAC 15 .0202 (Definitions).

19 (3) 01 NCAC 15 .0203 (Groups Eligible for Petitioning Process).

20 (4) 01 NCAC 15 .0204 (Groups Ineligible for Recognition).

21 (5) 01 NCAC 15 .0205 (Commission Assistance to Petitioner).

22 (6) 01 NCAC 15 .0207 (Notice of Intent to Petition for Recognition).

23 (7) 01 NCAC 15 .0208 (Recognition Committee).

24 (8) 01 NCAC 15 .0209 (Procedure for Recognition).

25 (9) 01 NCAC 15 .0212 (Criteria for Recognition as an American Indian Tribe).

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