

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 897  
Committee Substitute Favorable 4/18/01

Short Title: Appts./Triangle Native American Society.

(Public)

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Sponsors:

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Referred to:

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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  
29 appointments made by the General Assembly, one shall be made upon the

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

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

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

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

28 "**§ 157-68. Commissioners of Authority.**

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

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

40 "(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of  
41 ~~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 becomes effective July 1, 2001.