

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 849
HOUSE BILL 1515

AN ACT TO TRANSFER THE COMMISSION OF INDIAN AFFAIRS TO THE DEPARTMENT OF ADMINISTRATION UNDER A TYPE II TRANSFER AS DEFINED G.S. 143A-6.

The General Assembly of North Carolina enacts:

Section 1. The Commission of Indian Affairs, created by Chapter 71 of the General Statutes, is hereby transferred to the Department of Administration by a Type II transfer as defined G.S. 143A-6. Chapter 71 of the General Statutes is repealed in its entirety, and Article 9 of Chapter 143B of the General Statutes is amended by the addition of a new Part to read as follows:

"PART 13.

"North Carolina State Commission of Indian Affairs.

"§ 143B-400.1. Creation; name. — There is hereby created and established a commission to be known as the North Carolina State Commission of Indian Affairs of the Department of Administration.

"§ 143B-400.2. Purposes for creation. — The purposes of the commission shall be to deal fairly and effectively with Indian affairs; to bring local, State, and federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of the State of North Carolina; to provide aid and protection for Indians as needs are demonstrated; to prevent undue hardships; to assist Indian communities in social and economic development; and to promote recognition of and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans.

"§ 143B-400.3. Duties; use of funds. — It shall be the duty of the commission to study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs; to investigate relief needs of Indians of North Carolina and to provide technical assistance in the preparation of plans for the alleviation of such needs; to confer with appropriate officials of local, State, and federal governments and agencies of these governments, and with such congressional committees that may be concerned with Indian affairs to encourage and implement coordination of applicable resources to meet the needs of Indians in North Carolina; to cooperate with and secure the assistance of the local, State, and federal governments or any agencies thereof in formulating any such programs, and to coordinate such programs with any programs regarding Indian affairs adopted or planned by the federal government to the end that the State Commission of Indian Affairs secure the full benefit of such programs; to review all proposed or pending State legislation and amendments to existing State legislation affecting Indians in North Carolina; to conduct public hearings on matters relating to Indian affairs and to subpoena any information or documents deemed necessary by the commission; to study the existing status of recognition of all Indian groups, tribes, and communities presently existing in the State of North Carolina; and to establish appropriate procedures to provide for legal recognition by the State of presently unrecognized groups, and to initiate procedures for their recognition by the federal government.

"§ 143B-400.4. Membership; term of office; chairman; compensation. — (a) The State Commission of Indian Affairs shall consist of the Speaker of the House of Representatives, the

Lieutenant Governor, the Secretary of Human Resources, the Director of the State Employment Security Commission, the Secretary of Administration, the Secretary of Natural and Economic Resources, and the Commissioner of Labor. Fifteen Indian members shall be selected by tribal or community consent from among the Coharie, Cumberland, Haliwa, Lumbee, and Waccamaw Siouan, and the Native Americans located in Guilford and Mecklenburg Counties. The Coharie shall have two members; the Cumberland, two; the Haliwa, two; the Lumbees, three; the Waccamaw Siouan, two; the Guilford Native Americans, two; and the Metrolina Native Americans, two.

If the Cherokees should choose to participate, then they shall have two members on the board of directors. The total membership will be 17.

(b) Members serving by virtue of their office within State government shall serve so long as they hold that office. Members representing Indian tribes and groups shall be elected by the tribe or group concerned and shall serve for three-year terms, except that at the first election of commission members by tribes and groups, one member from each tribe or group shall be elected to a one-year term, one member from each tribe or group to a two-year term, and one member from each tribe or group to a three-year term. Thereafter, commission members will be elected to three-year terms. All members shall hold their offices until their successors are appointed and qualified. Vacancies occurring on the commission shall be filled by the tribal council or governing body concerned. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member causing the vacancy. The Governor shall appoint a chairman of the commission from among the Indian members of the commission, subject to ratification by the full commission.

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

"§ 143B-400.5. Meetings; quorum; proxy vote. — (a) The commission shall meet quarterly, and at any other such time that it shall deem necessary. Meetings may be called by the chairman or by a petition signed by a majority of the members of the commission. Ten days' notice shall be given in writing prior to the meeting date.

(b) Simple majority of the Indian members of the commission and two members by virtue of their office within State government must be present to constitute a quorum.

(c) Proxy vote shall not be permitted.

"§ 143B-400.6. Reports. — The commission shall prepare a written annual report giving an account of its proceedings, transactions, findings, and recommendations. This report shall be submitted to the Governor and the legislature. The report will become a matter of public record and will be maintained in the State Historical Archives. It may also be furnished to such other persons or agencies as the commission may deem proper.

"§ 143B-400.7. Fiscal records; clerical staff. — Fiscal records shall be kept by the Secretary of Administration and will be subject to annual audit by a certified public accountant. The audit report will become a part of the annual report and will be submitted in accordance with the regulations governing preparation and submission of the annual report.

"§ 143B-400.8. Executive director; employees. — The commission may, subject to legislative or other funds that would accrue to the commission, employ an executive director to carry out the day-to-day responsibilities and business of the commission. The executive director, also subject to legislative or other funds that would accrue to the commission, may hire additional staff and consultants to assist in the discharge of his responsibilities, as determined by the commission. The executive director shall not be a member of the commission, and should be of Indian extraction.

"§ 143B-400.9. Reports. — The commission shall prepare a written annual report giving an account of its proceedings, transactions, findings, and recommendations. This report shall be submitted to the Governor and the legislature. The report will become a matter of public record and will be maintained in the State Historical Archives. It may also be furnished to such other persons or agencies as the commission may deem proper."

Sec. 2. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 30th day of June, 1977.