

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1085
HOUSE BILL 1797

AN ACT TO ESTABLISH THE NORTH CAROLINA ADVISORY COUNCIL ON
THE EASTERN BAND OF THE CHEROKEE.

Whereas, the Eastern Band of Cherokee Indians resides in five rural counties in Western North Carolina on land held in trust for their use and benefit by the Government of the United States of America; and

Whereas, a separate body of federal law dealing with federally recognized Indian Tribes has been developed; and

Whereas, the Eastern Band of Cherokee Indians has a unique legal relationship with the State of North Carolina and its agencies; and

Whereas, the Eastern Band of Cherokee Indians makes valuable contributions to the State of North Carolina; and

Whereas, there is a continuing need to coordinate the relationship between the Eastern Band of Cherokee Indians and the State of North Carolina in order to resolve potential conflicts relating to jurisdiction, regulatory power and other matters of concern to the State and the Cherokee Indians; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 143B of the General Statutes is amended by adding a new part to read:

"PART 15.1. NORTH CAROLINA ADVISORY COUNCIL ON THE EASTERN BAND OF THE CHEROKEE.

"§ 143B-12.1. North Carolina Advisory Council on the Eastern Band of the Cherokee - creation; membership; terms of office.— The North Carolina Advisory Council on the Eastern Band of the Cherokee is created in the Department of Administration. The Council shall consist of 16 members and shall include the following members: eight members shall be appointed by the Chief with the consent of the Tribal Council of the Eastern Band of the Cherokee; the Superintendent of Public Instruction or his designee; the Secretary of Administration or his designee; the Secretary of Human Resources or his designee; the Secretary of Natural Resources and Community Development or his designee; the Attorney General or his designee; one member appointed by the Governor who shall be a representative of local government in Swain, Jackson, or Cherokee Counties; one legislator appointed by the Speaker of the House; and one legislator appointed by the President Pro Tempore of the Senate. Members serving by virtue of their office within State Government shall serve so long as they hold that office, except that the members appointed by the Speaker of the House

and the President Pro Tempore of the Senate shall serve for two-year terms. Members appointed by the Chief shall serve at the pleasure of the Chief. Members appointed by the Governor shall serve a term of four years at the pleasure of the Governor.

"§ 143B-12.2. North Carolina Advisory Council on the Eastern Band of the Cherokee - purpose or creation; powers and duties.— The purpose of the Council is to study on a continuing basis the relationship between the Eastern Band of the Cherokee and the State of North Carolina in order to resolve any matters of concern to the State or the Tribe. It shall be the duty of the Council to:

- (1) Identify existing and potential conflicts between the State of North Carolina and the Eastern Band of Cherokee Indians;
- (2) Propose State and federal legislation and agreements between the State of North Carolina and the Cherokee Tribe to resolve existing and potential conflicts;
- (3) To study and make recommendations concerning any issue referred to the Council by any official of the Eastern Band of the Cherokee, the State of North Carolina, or the government of Haywood, Jackson, Swain, Graham, or Cherokee Counties.
- (4) Study other issues of mutual concern to the Eastern Band of the Cherokee;
- (5) Make a report with recommendations as needed, but not less often than biannually to the Governor, the Chief of the Eastern Band of the Cherokee, the General Assembly, and the Tribal Council of the Eastern Band of the Cherokee.

"§ 143B-12.3. North Carolina Advisory Council of the Eastern Band of the Cherokee - meetings; quorum; compensation; chairman.—The Council shall meet at least quarterly or at the call of the chairman or a majority of the Council. A quorum shall consist of a majority of the Council. Designees of Council members serving by virtue of office shall be entitled to vote. The Chairman of the Council shall be elected from the membership. The selection of a member as chairman shall have no effect on the member's voting privileges. Council members who are seated by virtue of their office within State government shall be compensated at the rate specified in G.S. 138-6. Council members who are members of the General Assembly shall be compensated at the rate specified in G.S. 120-31. Other Council members shall be compensated at the rate specified in G.S. 138-5.

"§ 143B-12.4. North Carolina Advisory Council on the Eastern Band of the Cherokee - clerical and administrative support.—All clerical and other services required by the Council shall be supplied by the Secretary of Administration."

Sec. 2. This act is effective upon ratification, but the members of the Governor's Cherokee Task Force shall continue to serve until all appointments to the Council are made.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.