

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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SENATE BILL 638

Short Title: Funds to Enhance Tribal Recognition. (Public)

Sponsors: Senators Smith-Ingram (Primary Sponsor); and Bryant.

Referred to: Rules and Operations of the Senate

April 5, 2017

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE PROCESS BY WHICH THE NORTH CAROLINA COMMISSION ON INDIAN AFFAIRS REVIEWS PETITIONS AND MAKES DECISIONS ON WHETHER AN INDIAN GROUP SHOULD RECEIVE RECOGNITION AS A STATE TRIBE AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. It is the intent of this act to require the North Carolina Commission on Indian Affairs to act on petitions as they are received so that there may be more than one petition pending a hearing before the Commission's Recognition Committee at any one time. Further, the Commission should ensure that it expeditiously reviews petitions and measures each petition against the required criteria for recognition that have been adopted by rule and provides the petitioner with the result of the screening on a timely basis.

SECTION 2. Notwithstanding the application of any law, rule, or regulation to the contrary, the North Carolina Commission on Indian Affairs shall follow the following procedure as part of its responsibility to review petitions for State recognition submitted by an Indian group: (i) within 10 days of receipt of a Notice of Intent to Petition, the Commission shall acknowledge receipt of the Notice and shall explain the petition procedures to the petitioner; (ii) upon receipt of a fully documented petition to the Recognition Committee, the Recognition Committee shall have 60 days to conduct a preliminary review; (iii) no later than 90 days after receipt of the documented petition, the Committee shall provide petitioner with a report of preliminary findings, including any further documentation needed by the Committee; and (iv) no later than 30 days following the receipt of any further documentation received within any authorized response period, the Recognition Committee shall conduct the hearing as provided by the rules. Nothing in this section invalidates any applicable rule that is not inconsistent with its provisions.

SECTION 3. There is appropriated from the General Fund to the Department of Administration, Commission on Indian Affairs, the sum of one hundred seventy-eight thousand one hundred forty-one dollars (\$178,141) for the 2017-2018 fiscal year and the sum of one hundred seventy-eight thousand one hundred forty-one dollars (\$178,141) for the 2018-2019 fiscal year. The funds shall be used to create two full-time equivalent Paralegal I positions, one full-time equivalent Administrative Officer I position, and one temporary contract position for a Genealogist/Research Specialist. The Commission shall use the additional personnel to enhance and expedite the tribal recognition process.

SECTION 4. There is appropriated from the General Fund to Department of Administration, Commission on Indian Affairs, the sum of one million four hundred thousand



1 dollars (\$1,400,000) for the 2018-2019 fiscal year to be expended for additional tribal
2 recognitions acted upon during that year.

3 **SECTION 5.** This act becomes effective July 1, 2017.