

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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HOUSE BILL 1115

Short Title: Enhance State Tribe Recognition Process. (Public)

Sponsors: Representatives Stam and Steinburg (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Government, if favorable, Judiciary Subcommittee A.

May 19, 2014

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, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON CHOWANOKE NATION RECOGNITION.

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. The Department of Administration may, from funds appropriated to the Department, assign necessary personnel to the Commission on Indian Affairs for the purpose of assisting with the intake and review of both new and existing petitions for State tribe recognition and to perform other administrative duties for the Commission.

SECTION 4. This act becomes effective July 1, 2014.

