

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS85043-LL-31A* (2/1)

Short Title: Recognize Tribal Governments. (Public)

Sponsors: Senator Berger of Franklin.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ACKNOWLEDGE THE TRIBAL GOVERNMENTS OF
STATE-RECOGNIZED INDIAN TRIBES IN NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 71A of the General Statutes is amended by adding a
new section to read:

"§ 71A-9. Tribal governments.

Each American Indian tribe designated and officially recognized by this Chapter is entitled to organize and function as a tribal governing body within the borders of this State and to provide governmental services and functions, similar to those provided by the State and units of local government, to tribal members and Indian communities. This authority includes the power to apply for and administer State and federal grants and other funding programs. In exercising this authority, each recognized tribe may:

- (1) Determine its own form of government;
- (2) Elect a governing body;
- (3) Exercise full power and authority over its members with respect to tribal affairs;
- (4) Determine the criteria for tribal enrollment and the maintenance of a tribal roll; and
- (5) Oversee the reinterment of archaeological, funerary, or other Indian burial remains, pursuant to the provisions of Chapter 70 of the General Statutes.

Nothing in this section authorizes Indian tribes to act in a manner that is inconsistent with the laws of the State of North Carolina."

SECTION 2. Nothing in this act shall be construed to affect the rights of the federally recognized Eastern Band of Cherokee; this act applies only to those tribes recognized under Chapter 71A of the General Statutes.

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SECTION 3. This act is effective when it becomes law.