

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 163*

Short Title: Recognize Tribal Governments. (Public)

Sponsors: Senators Berger of Franklin; and Weinstein.

Referred to: State and Local Government.

February 17, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO ACKNOWLEDGE THE TRIBAL GOVERNMENTS OF
3 STATE-RECOGNIZED INDIAN TRIBES IN NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 71A-9. Tribal governments.**

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

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

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

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

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