

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H.B. 1115  
May 15, 2014  
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30726-RKz-40 (04/17)

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

Sponsors: Representatives Stam and Steinburg (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENHANCE THE PROCESS BY WHICH THE NORTH CAROLINA  
3 COMMISSION ON INDIAN AFFAIRS REVIEWS PETITIONS, AND MAKES  
4 DECISIONS, ON WHETHER AN INDIAN GROUP SHOULD RECEIVE  
5 RECOGNITION AS A STATE TRIBE, AS RECOMMENDED BY THE LEGISLATIVE  
6 RESEARCH COMMISSION COMMITTEE ON CHOWANOKE NATION  
7 RECOGNITION.

8 The General Assembly of North Carolina enacts:

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

15 **SECTION 2.** Notwithstanding the application of any law, rule, or regulation to the  
16 contrary, the North Carolina Commission on Indian Affairs shall follow the following  
17 procedure as part of its responsibility to review petitions for State recognition submitted by an  
18 Indian group: (i) within 10 days of receipt of a Notice of Intent to Petition, the Commission  
19 shall acknowledge receipt of the Notice and shall explain the petition procedures to the  
20 petitioner; (ii) upon receipt of a fully documented petition to the Recognition Committee, the  
21 Recognition Committee shall have 60 days to conduct a preliminary review; (iii) no later than  
22 90 days after receipt of the documented petition, the Committee shall provide petitioner with a  
23 report of preliminary findings, including any further documentation needed by the Committee;  
24 and (iv) no later than 30 days following the receipt of any further documentation received  
25 within any authorized response period, the Recognition Committee shall conduct the hearing as  
26 provided by the rules. Nothing in this section invalidates any applicable rule that is not  
27 inconsistent with its provisions.

28 **SECTION 3.** The Department of Administration may, from funds appropriated to  
29 the Department, assign necessary personnel to the Commission on Indian Affairs for the  
30 purpose of assisting with the intake and review of both new and existing petitions for State tribe  
31 recognition and to perform other administrative duties for the Commission.

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

