

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 363
Senate State and Local Government Committee Substitute Adopted 7/4/01
Third Edition Engrossed 7/17/01

Short Title: Indian Land in Trust.

(Public)

Sponsors:

Referred to:

March 1, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE NORTH CAROLINA COMMISSION OF INDIAN AFFAIRS TO HOLD LAND IN TRUST FOR STATE-RECOGNIZED INDIAN TRIBES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-405 reads as rewritten:

"§ 143B-405. North Carolina State Commission of Indian Affairs – purposes for creation.

The purposes of the Commission shall be as follows:

(1) ~~to~~ To deal fairly and effectively with Indian ~~affairs;~~affairs.

(2) ~~to~~ To bring local, State, and federal resources into focus for the implementation or continuation of meaningful programs for Indian citizens of the State of North ~~Carolina;~~Carolina.

(3) ~~to~~ To provide aid and protection for Indians as needs are demonstrated; to prevent undue ~~hardships;~~hardships.

(4) To hold land in trust for the benefit of State-recognized Indian tribes. This subdivision shall not apply to federally recognized Indian tribes.

(5) ~~to~~ To assist Indian communities in social and economic ~~development;~~ and ~~development.~~

(6) ~~to~~ To promote recognition of and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans."

SECTION 2. G.S. 143B-406 reads as rewritten:

"§ 143B-406. North Carolina State Commission of Indian Affairs – duties; use of funds.

(a) The Commission shall have the following duties: ~~It shall be the duty of the Commission~~

- 1 (1) ~~to~~ To study, consider, accumulate, compile, assemble and disseminate
2 information on any aspect of Indian ~~affairs;~~affairs.
- 3 (2) ~~to~~ To investigate relief needs of Indians of North Carolina and to
4 provide technical assistance in the preparation of plans for the
5 alleviation of such ~~needs;~~needs.
- 6 (3) ~~to~~ To confer with appropriate officials of local, State and federal
7 governments and agencies of these governments, and with such
8 congressional committees that may be concerned with Indian affairs to
9 encourage and implement coordination of applicable resources to meet
10 the needs of Indians in North ~~Carolina;~~Carolina.
- 11 (4) ~~to~~ To cooperate with and secure the assistance of the local, State and
12 federal governments or any agencies thereof in formulating any such
13 programs, and to coordinate such programs with any programs
14 regarding Indian affairs adopted or planned by the federal government
15 to the end that the State Commission of Indian Affairs secure the full
16 benefit of such ~~programs;~~programs.
- 17 (5) To act as trustee for any interest in real property that may be
18 transferred to the Commission for the benefit of State-recognized
19 Indian tribes in accordance with a trust agreement approved by the
20 Commission. The Commission shall not hold any interest in real
21 property for the benefit of federally recognized Indian tribes.
- 22 (6) ~~to~~ To review all proposed or pending State legislation and amendments
23 to existing State legislation affecting Indians in North
24 ~~Carolina;~~Carolina.
- 25 (7) ~~to~~ To conduct public hearings on matters relating to Indian affairs and
26 to subpoena any information or documents deemed necessary by the
27 ~~Commission;~~Commission.
- 28 (8) ~~to~~ To study the existing status of recognition of all Indian groups,
29 tribes and communities presently existing in the State of North
30 ~~Carolina;~~Carolina.
- 31 (9) ~~to~~ To establish appropriate procedures to provide for legal recognition
32 by the State of presently unrecognized ~~groups;~~groups.
- 33 (10) ~~to~~ To provide for official State recognition by the Commission of such
34 ~~groups; and~~ groups.
- 35 (11) ~~to~~ To initiate procedures for their recognition by the federal
36 government.
- 37 (b) The Commission may adopt rules to implement the provisions of subdivision
38 (a)(5) of this section."

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