

2003-2004

**HOUSE
MILITARY, VETERANS
& INDIAN AFFAIRS**

**COMMITTEE
MINUTES**

NORTH CAROLINA GENERAL ASSEMBLY
Military, Veterans And Indian Affairs Committee
2003 – 2004 SESSION



Rep. Marvin Lucas
Chair



Rep. Lorene T. Coates



Rep. Michael Gorman



Rep. Robert Grady



Rep. Charles E. Johnson



Rep. W. Eugene McCombs



Rep. Wayne Sexton



Rep. Ronnie N. Sutton



Rep. Alex Warner



Rep. Keith P. Williams



Rep. Brubaker
Ex-officio



Rep. Culpepper
Ex-officio



Rep. Cunningham
Ex-officio



Rep. Eddins
Ex-officio

MEMBERSHIP

HOUSE MILITARY, VETERANS AND INDIAN AFFAIRS COMMITTEE

2003 SESSION

MEMBER	TELEPHONE	OFFICE	SEAT	LEGISLATIVE ASST.
Rep. Lorene Coates	3-5784	633	80	Melissa Lennon
Rep. Michael Gorman	3-5823	1305	25	Rachel Faison
Rep. Robert Grady	5-9644	616	4	Peggy Murray
Rep. Charles Johnson	5-3023	416A	116	Sally Gillis
Rep. Gene McCombs	3-5881	514	64	Suzanne Erskine
Rep. Wayne Sexton	3-5974	508	90	Debbie Turner
Rep. Ron Sutton	5-0875	1321	71	Juanita Coley
Rep. Alex Warner	3-5853	1206	11	Ann Stancil
Rep. Keith Williams	5-1883	507	5	Martha Hoover
Rep. Marvin Lucas Chair	3-5775	1323	82	Thelma Utle
<u>Ex-Officio</u>				
Rep. Harold Brubaker	5-4946	1229	2	Cindy Coley
Rep. Bill Culpepper	5-3028	404	36	Dot Crockett
Rep. Pete Cunningham	3-5778	541	7	Valerie Rustin
Rep. Rick Eddins	3-5800	1319	26	Dorie Monroe
<u>Staff</u>				
Hal Pell, Attorney	3-2578	201CC		
Theresa Matula, Research Analyst	3-2578	545		

March 11, 2003

ATTENDANCE

Military, Veterans And Indian Affairs

(Name of Committee)

[illegible]



HOUSE BILL 355:

Redesignate Indians of Person Co. as Sappony

BILL ANALYSIS

Committee: House Military, Veterans', and
Indian Affairs

Date: March 19, 2003

Version: First Edition

Introduced by: Rep. G. Allen; Rep. Sutton

Summary by: H. Alan Pell

Committee Counsel

SUMMARY: *This bill would re-designate the "Indians of Person County" as the "Sappony" in the State statute that officially recognizes the tribe, and provide an official recognition date of February 13, 1913. A corresponding name change would be made in the law governing the North Carolina State Commission of Indian Affairs. The bill would be effective when it becomes law.*

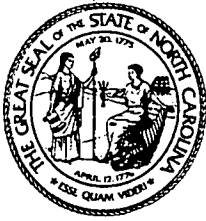
BILL ANALYSIS:

Section 1: The act changes "Indians of Person County" to "Sappony" in N.C.G.S. § 71A-7. The section also provides that the Indians of Person County were officially recognized by Chapter 22 of the Public-Local Laws of 1913. This bill would amend the prior official recognition date of July 20, 1971, to provide designation as Sappony and official recognition retroactive to February 3, 1913.

Section 2: In the statute establishing the State Commission of Indian Affairs, the name "Indians of Person County" would be deleted where it appears and the word "Sappony" substituted in its place.

Section 3: The act would be effective when it becomes law.

BACKGROUND: The Indians of Person County were designated by that name by Chapter 22 of the Public-Local Laws of 1913. The 1913 Session Law amended, in order to include the "Indians of Person County," previous laws which provided for space for Indians in the State Hospital, jails, and county homes, as well as a pro rata share of school funds. By the 1997 Session Laws, the General Assembly provided that the Indians of Person County's recognition would be restored, effective July 20, 1971, and that the tribe would have one member on the Commission of Indian Affairs.



PCS FOR HOUSE BILL 710: Occaneechi Band of Saponi/Indian Cult. Ctr.

BILL ANALYSIS

Committee: House Military, Veterans, and
Indian Affairs

Date: April 4, 2003

Version: v.1; PCS (H710-CSSH-3)

Introduced by: Representative Sutton

Summary by: Theresa Matula
Committee Staff

SUMMARY: *House Bill 710 adds a member to the Board of the North Carolina Indian Cultural Center to represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties.*

BILL ANALYSIS:

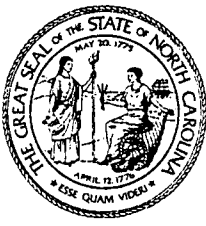
House Bill 710 amends Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318 to increase the membership of the Board of the North Carolina Indian Cultural Center, Inc. from 17 to 18 members. The additional member would represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties. Members of the Board serve two -year terms, however, the initial term of the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties shall be for one year.

The Proposed Committee Substitute (H710-CSSH-3) makes a technical change to the title to delete the duplication of the word "Board," and adds a Section to the bill to provide for the appropriate staggering of terms.

House Bill 710 becomes effective July 1, 2003.

BACKGROUND INFORMATION:

The Board of the North Carolina Indian Cultural Center, Inc. initially consisted of 15 members. The 16th member was added by S.L. 1998-19 to represent the Indians of Person County, and the 17th member was added by S.L. 2001-318 to represent the Triangle Native American Society.



HOUSE BILL 745: Indian Cultural Center Changes.

BILL ANALYSIS

Committee: Military, Veterans and Indian Affairs.

Date: April 9, 2003

Version: First

Introduced by: Rep. Sutton

Summary by: H. Alan Pell

Committee Counsel

SUMMARY: *The bill would increase the number of representatives from one to two on the Board of the Indian Cultural Center for the following: the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties. The bill would also require the members from the education and business communities, and from State government, to reside in specified counties. The act is effective July 1, 2003.*

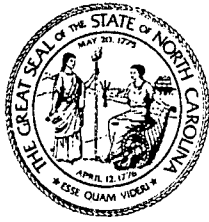
BILL ANALYSIS:

Section 1: The act

- increases the membership of the Board of the North Carolina Indian Cultural Center from 17 to 19 members.
- Two Indian groups would have their membership increased from one to two: the Lumbees of Robeson, Hoke, and Scotland Counties; and the Waccamaw-Siouan from Columbus and Bladen Counties.
- The members that are from the business and education communities, as well as the members representing State government, would be required to reside in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties.

Section 2: This section provides for the initial terms for the new members, and for replacement of members from State government that do not meet residency requirements.

Section 3: The act would become effective July 1, 2003.



HOUSE BILL 746: Amend Indian Recognition.

BILL ANALYSIS

Committee: Military, Veterans and Indian
Affairs.

Date: April 9, 2003

Version: First

Introduced by: Rep. Sutton

Summary by: H. Alan Pell
Committee Counsel

SUMMARY: *The bill would amend the statute that officially recognized the Lumbee Tribe; and provide official State recognition to two Indian groups.*

BILL ANALYSIS:

Section 1: The act would amend the provision that recognized the Lumbee Tribe by setting forth the names by which the Tribe was previously known.

Section 2: This section would

- provide official State recognition to the Meherrin Tribe. The Tribe is described as those Indians now residing in Hertford, Bertie, Gates, and Northampton Counties. The recognition is retroactive to July 20, 1971.
- provide official State recognition to the Occaneechi Band of the Saponi Nation. The Indians are stated as living "primarily in the old settlement of Little Texas in Pleasant Grove Township, Alamance County." The recognition is retroactive to July 20, 1971.

Section 3: The act is effective when it becomes law.

H746-smrk-01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 355

Short Title: Redesignate Indians of Person Co. as Sappony.

(Public)

Sponsors: Representatives G. Allen; and Sutton.

Referred to: Military, Veterans and Indian Affairs.

March 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY
3 RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON
4 COUNTY AS SAPPONY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 71A-7 reads as rewritten:

7 "**§ 71A-7. Indians of Person County; The Sappony Tribe of North Carolina;**
8 **rights, privileges, immunities, obligations, and duties.**

9 **The Indian Tribe now residing in Person County, officially recognized as the Indians**
10 **of Person County by Chapter 22 of the Public-Local Laws of 1913, The Indians who are**
11 **descendants of those Indians living in Person County for whom the High Plains Indian**
12 **School was established, shall, from and after July 20, 1971, February 3, 1913, be**
13 **designated and officially recognized as the Indians of Person County, North Carolina,**
14 **Sappony, and shall continue to enjoy all their rights, privileges, and immunities as**
15 **citizens of the State as now or hereafter provided by law, and shall continue to be**
16 **subject to all the obligations and duties of citizens under the law.**

17 SECTION 2. G.S. 143B-407(a) reads as rewritten:

18 "**§ 143B-407. North Carolina State Commission of Indian Affairs – membership;**
19 **term of office; chairman; compensation.**

20 (a) The State Commission of Indian Affairs shall consist of two persons
21 appointed by the General Assembly, the Secretary of Health and Human Services, the
22 Director of the State Employment Security Commission, the Secretary of
23 Administration, the Secretary of Environment and Natural Resources, the
24 Commissioner of Labor or their designees and 21 representatives of the Indian
25 community. These Indian members shall be selected by tribal or community consent
26 from the Indian groups that are recognized by the State of North Carolina and are
27 principally geographically located as follows: the Coharie of Sampson and Harnett
28 Counties; the Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and
29 adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the

1 Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen
2 Counties; the ~~Indians of Person County, Sappony~~; the Occaneechi Band of the Saponi
3 Nation of Alamance and Orange Counties, and the Native Americans located in
4 Cumberland, Guilford, Johnston, Mecklenburg, Orange, and Wake Counties. The
5 Coharie shall have two members; the Eastern Band of Cherokees, two; the Haliwa
6 Saponi, two; the Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the
7 ~~Indians of Person County, Sappony~~; one; the Cumberland County Association for Indian
8 People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two;
9 the Occaneechi Band of the Saponi Nation, one, the Triangle Native American Society,
10 one. Of the two appointments made by the General Assembly, one shall be made upon
11 the recommendation of the Speaker, and one shall be made upon recommendation of the
12 President Pro Tempore of the Senate. Appointments by the General Assembly shall be
13 made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with
14 G.S. 120-122."

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

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 710
PROPOSED COMMITTEE SUBSTITUTE H710-CSSH-3 [v.1]

4/4/2003 10:36:24 AM

Short Title: Occaneechi Band of Saponi/Indian Cult. Ctr.

(Public)

Sponsors:

Referred to:

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF
THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN
CULTURAL CENTER.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session
Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of
~~17~~ 18 members, appointed as follows:

- (1) One member representing each of the following Indian groups
recognized by the State of North Carolina: the Coharie of Sampson
and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of
Halifax, Warren, and adjoining counties; the Lumbees of Robeson,
Hoke, and Scotland Counties; the Meherrin of Hertford County; the
Occaneechi Band of the Saponi Nation of Alamance and Orange
Counties; the Indians of Person County; and the Waccamaw-Siouan
from Columbus and Bladen Counties;
- (2) One member each from the following Indian organizations: the
Cumberland County Association for Indian People, the Guilford
Native Americans, the Metrolina Native Americans, and the Triangle
Native American Society;
- (3) One member representing the education community of the State;
- (4) Two members representing the business community of the State;
- (5) Two members representing the government of the State of North
Carolina; and
- (6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the
North Carolina Commission of Indian Affairs from two prioritized nominations

1 designated in subdivisions (3) through (6) above shall be appointed by the North
2 Carolina Commission of Indian Affairs from two prioritized nominations submitted by
3 the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or
4 organization submits only one nomination or fails to submit nominations for any reason
5 within 30 days after the date designated for submission by the Commission, the
6 Commission shall appoint a member of its choice to fill the requirement. The Board of
7 the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board
8 membership.

9 Members shall serve two-year terms, except that the initial terms of:

- 10 (1) The members representing the Coharie of Sampson and Harnett
11 Counties, the Eastern Band of Cherokees, the Indians of Person
12 County; and the Meherrin of Hertford County; the Occaneechi Band of
13 the Saponi Nation of Alamance and Orange Counties; the member
14 representing the Metrolina Native Americans; the member
15 representing the education community of the State; one member
16 representing the government of the State of North Carolina; and one
17 member representing the business community shall be for one year;
18 and
19 (2) The members representing the Haliwa of Halifax, Warren, and
20 adjoining counties, the Lumbees of Robeson, Hoke, and Scotland
21 Counties, and the Waccamaw-Siouan from Columbus and Bladen
22 Counties; the members representing the Cumberland County
23 Association for Indian People and the Guilford Native Americans; one
24 member representing the business community of the State; one
25 member representing the government of the State of North Carolina;
26 and one member representing the federal government shall be for two
27 years."

28 **SECTION 2.** This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 745

Short Title: Indian Cultural Center Changes.

(Public)

Sponsors: Representative Sutton.

Referred to: Military, Veterans and Indian Affairs.

March 27, 2003

A BILL TO BE ENTITLED
AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN
CULTURAL CENTER BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~ 19 members, appointed as follows:

- (1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; ~~the Lumbees of Robeson, Hoke, and Scotland Counties;~~ the Meherrin of Hertford County; and the Indians of Person County; and the Waccamaw-Siouan from Columbus and Bladen Counties; County;
- (1a) Two members representing each of the following Indian groups recognized by the State of North Carolina: the Lumbees of Robeson, Hoke, and Scotland Counties; and the Waccamaw-Siouan from Columbus and Bladen Counties;
- (2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;
- (3) One member representing the education community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;
- (4) Two members representing the business community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties;

- (5) Two members representing the government of the State of North Carolina; ~~and Carolina and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties; and~~

- (6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

- (1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and
- (2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. The initial term of the additional Lumbee representative provided for in Section 1 of this act shall be for one year. The initial term of the additional Waccamaw-Siouan representative shall be for two years. If the members representing the education community, the business community, and the government of the State of North Carolina do not meet the residency requirement provided for in Section 1 of this act on the effective date of this act, new members shall be appointed to those seats to serve the remainder of those members' terms.

SECTION 3. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 746

Short Title: Amend Indian Recognition.

(Public)

Sponsors: Representative Sutton.

Referred to: Military, Veterans and Indian Affairs.

March 27, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN
3 TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT
4 REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS
5 RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF
6 THE SAPONI NATION.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 71A-3 reads as rewritten:

9 "**§ 71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities,**
10 **obligations and duties.**

11 The Indians now residing in Robeson and adjoining counties of North Carolina,
12 originally found by the first white settlers on the Lumbee River in Robeson County, and
13 claiming joint descent from remnants of early American Colonists and certain tribes of
14 Indians originally inhabiting the coastal regions of North Carolina, who have previously
15 been known as "Croatan Indians," "Indians of Robeson County," and "Cherokee Indians
16 of Robeson County," shall, from and after April 20, 1953, be designated and officially
17 recognized as Lumbee Tribe of North Carolina and shall continue to enjoy all rights,
18 privileges and immunities enjoyed by them as citizens of the State as now provided by
19 law, and shall continue to be subject to all the obligations and duties of citizens under
20 the law."

21 SECTION 2. Chapter 71A of the General Statutes is amended by adding two
22 new sections to read:

23 "**§ 71A-7.1. Meherrin Tribe of North Carolina; rights, privileges, immunities,**
24 **obligations and duties.**

25 The Indians now residing in small communities in Hertford, Bertie, Gates, and
26 Northampton Counties, who in 1726 were granted reservational lands at the mouth of
27 the Meherrin River in the vicinity of present-day Parker's Ferry near Winton in Hertford
28 County, and who are of the same linguistic stock as the Cherokee, Tuscarora, and other
29 tribes of the Iroquois Confederacy of New York and Canada, shall, from and after July

1 20, 1971, be designated and officially recognized as the Meherrin Tribe of North
2 Carolina, and shall continue to enjoy all their rights, privileges, and immunities as
3 citizens of the State as now or hereafter provided by law, and shall continue to be
4 subject to all the obligations and duties of citizens under the law.

5 **"§ 71A-7.2. Occaneechi Band of Saponi Nation in North Carolina; rights,**
6 **privileges, immunities, obligations and duties.**

7 The Indians now living primarily in the old settlement of Little Texas in Pleasant
8 Grove Township, Alamance County, who are lineal descendants of the Saponi and
9 related Indians who occupied the Piedmont of North Carolina and Virginia in precontact
10 times, and specifically of those Saponi and related Indians who formally became
11 tributary to Virginia under the Treaties of Middle Plantation in 1677 and 1680, and who
12 under the subsequent treaty of 1713 with the Colony of Virginia agreed to join together
13 as a single community, shall, from and after July 20, 1971, be designated and officially
14 recognized as the Occaneechi Band of the Saponi Nation of North Carolina, and shall
15 continue to enjoy all their rights, privileges, and immunities as citizens of the State as
16 now or hereafter provided by law, and shall continue to be subject to all the obligations
17 and duties of citizens under the law."

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

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Lucas** (Chair/Chairs) for the Committee on **MILITARY,
VETERANS AND INDIAN AFFAIRS.**

☐ Committee Substitute for

H.B. 355 A BILL TO BE ENTITLED AN ACT TO OFFICIALLY DESIGNATE THE
INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE
INDIANS OF PERSON COUNTY AS SAPPONY.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.

☒ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.

☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and
recommendation that the committee substitute bill #) be re-referred to the Committee
on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

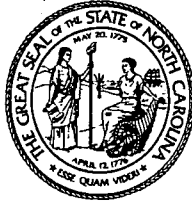
☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

3/06/03



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 355

H355-ARK-1 [v.1]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 1

Date MAR. 19, 2003

Comm. Sub. [NO]
Amends Title [NO]
First Edition

Representative Sutton

- 1 moves to amend the bill on page 1, line 7, by deleting the words
- 2 "The Sappony Tribe of North Carolina;" and substituting the words
- 3 "The Sappony"; and
- 4
- 5 on page 2, line 7, by deleting the word "Sappony;" and by substituting the word
- 6 "Sappony;"
- 7

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED ✓ FAILED _____ TABLED _____

0355

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL
STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY.

Introduced by Representative(s): G. Allen and Sutton.

Principal Clerk's Use Only

2ND 1st READING
MAR 10 2003
AND REFERRED TO COMMITTEE
ON Military Veterans
and Indian Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

1

HOUSE BILL 355

Short Title: Redesignate Indians of Person Co. as Sappony.

(Public)

Sponsors: Representatives G. Allen; and Sutton.

Referred to: Military, Veterans and Indian Affairs.

March 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY
3 RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON
4 COUNTY AS SAPPONY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 71A-7 reads as rewritten:

7 "**§ 71A-7. Indians of Person County; The Sappony Tribe of North Carolina;**
8 **rights, privileges, immunities, obligations, and duties.**

9 The Indian Tribe now residing in Person County, officially recognized as the Indians
10 of Person County by Chapter 22 of the Public-Local Laws of 1913, The Indians who are
11 descendants of those Indians living in Person County for whom the High Plains Indian
12 School was established, shall, from and after July 20, 1971, February 3, 1913, be
13 designated and officially recognized as the Indians of Person County, North Carolina,
14 Sappony, and shall continue to enjoy all their rights, privileges, and immunities as
15 citizens of the State as now or hereafter provided by law, and shall continue to be
16 subject to all the obligations and duties of citizens under the law.

17 SECTION 2. G.S. 143B-407(a) reads as rewritten:

18 "**§ 143B-407. North Carolina State Commission of Indian Affairs – membership;**
19 **term of office; chairman; compensation.**

20 (a) The State Commission of Indian Affairs shall consist of two persons
21 appointed by the General Assembly, the Secretary of Health and Human Services, the
22 Director of the State Employment Security Commission, the Secretary of
23 Administration, the Secretary of Environment and Natural Resources, the
24 Commissioner of Labor or their designees and 21 representatives of the Indian
25 community. These Indian members shall be selected by tribal or community consent
26 from the Indian groups that are recognized by the State of North Carolina and are
27 principally geographically located as follows: the Coharie of Sampson and Harnett
28 Counties; the Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and
29 adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the

1 Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen
2 Counties; the ~~Indians of Person County, Sappony~~; the Occaneechi Band of the Saponi
3 Nation of Alamance and Orange Counties, and the Native Americans located in
4 Cumberland, Guilford, Johnston, Mecklenburg, Orange, and Wake Counties. The
5 Coharie shall have two members; the Eastern Band of Cherokees, two; the Haliwa
6 Saponi, two; the Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the
7 ~~Indians of Person County, Sappony~~; one; the Cumberland County Association for Indian
8 People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two;
9 the Occaneechi Band of the Saponi Nation, one, the Triangle Native American Society,
10 one. Of the two appointments made by the General Assembly, one shall be made upon
11 the recommendation of the Speaker, and one shall be made upon recommendation of the
12 President Pro Tempore of the Senate. Appointments by the General Assembly shall be
13 made in accordance with G.S. 120-121 and vacancies shall be filled in accordance with
14 G.S. 120-122."

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

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Lucas** (Chair) for the Committee on **MILITARY, VETERANS AND INDIAN AFFAIRS**.

- ☐ Committee Substitute for
H.B. 710 A BILL TO BE ENTITLED AN ACT TO ADD A MEMBER REPRESENTING
THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE
NORTH CAROLINA INDIAN CULTURAL CENTER.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☒ With a favorable report as to the committee substitute bill (# _____), ☐ which changes the
title, unfavorable as to (the original bill) (Committee Substitute Bill # _____), (and
~~recommendation that the committee substitute bill # _____) be re-referred to the Committee~~
~~on _____.)~~
- ☐ With a favorable report as to House committee substitute bill (# _____), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

03/19/03

PUBLIC BILL

H.B. 0710

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

Introduced by Representative(s): Sutton.

[Signature]
Inshu

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Principal Clerk's Use Only

SED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE

ON Military Veterans,
and Indian Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

D

HOUSE BILL 710
PROPOSED COMMITTEE SUBSTITUTE H710-CSSH-3 [v.1]

4/4/2003 10:36:24 AM

Short Title: Occaneechi Band of Saponi/Indian Cult. Ctr.

(Public)

Sponsors:

Referred to:

March 27, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF
3 THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN
4 CULTURAL CENTER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Subsection (b) of Section 2 of Chapter 41 of the 1997 Session
7 Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

8 "(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of
9 ~~17~~ 18 members, appointed as follows:

10 (1) One member representing each of the following Indian groups
11 recognized by the State of North Carolina: the Coharie of Sampson
12 and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of
13 Halifax, Warren, and adjoining counties; the Lumbees of Robeson,
14 Hoke, and Scotland Counties; the Meherrin of Hertford County; the
15 Occaneechi Band of the Saponi Nation of Alamance and Orange
16 Counties; the Indians of Person County; and the Waccamaw-Siouan
17 from Columbus and Bladen Counties;

18 (2) One member each from the following Indian organizations: the
19 Cumberland County Association for Indian People, the Guilford
20 Native Americans, the Metrolina Native Americans, and the Triangle
21 Native American Society;

22 (3) One member representing the education community of the State;

23 (4) Two members representing the business community of the State;

24 (5) Two members representing the government of the State of North
25 Carolina; and

26 (6) One member representing the federal government.

27 Each member designated in subdivisions (1) and (2) above shall be appointed by the
28 North Carolina Commission of Indian Affairs from two prioritized nominations

submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

- (1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and
- (2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. In order to provide for appropriate staggering of terms, the term of the member added pursuant to Section 1 of this act to represent the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties shall run concurrently with the terms of the members whose initial terms were for one year.

SECTION 3. This act becomes effective July 1, 2003.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 710

Short Title: Occaneechi Band of Saponi/Indian Cult. Ctr.

(Public)

Sponsors: Representatives Sutton; G. Allen and Insko.

Referred to: Military, Veterans and Indian Affairs.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF
THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN
CULTURAL CENTER BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session
Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of
~~17~~ 18 members, appointed as follows:

- (1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke, and Scotland Counties; the Meherrin of Hertford County; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties; the Indians of Person County; and the Waccamaw-Siouan from Columbus and Bladen Counties;
- (2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;
- (3) One member representing the education community of the State;
- (4) Two members representing the business community of the State;
- (5) Two members representing the government of the State of North Carolina; and
- (6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member

1 designated in subdivisions (3) through (6) above shall be appointed by the North
2 Carolina Commission of Indian Affairs from two prioritized nominations submitted by
3 the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or
4 organization submits only one nomination or fails to submit nominations for any reason
5 within 30 days after the date designated for submission by the Commission, the
6 Commission shall appoint a member of its choice to fill the requirement. The Board of
7 the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board
8 membership.

9 Members shall serve two-year terms, except that the initial terms of:

- 10 (1) The members representing the Coharie of Sampson and Harnett
11 Counties, the Eastern Band of Cherokees, the Indians of Person
12 County; and the Meherrin of Hertford County; the Occaneechi Band of
13 the Saponi Nation of Alamance and Orange Counties; the member
14 representing the Metrolina Native Americans; the member
15 representing the education community of the State; one member
16 representing the government of the State of North Carolina; and one
17 member representing the business community shall be for one year;
18 and
19 (2) The members representing the Haliwa of Halifax, Warren, and
20 adjoining counties, the Lumbees of Robeson, Hoke, and Scotland
21 Counties, and the Waccamaw-Siouan from Columbus and Bladen
22 Counties; the members representing the Cumberland County
23 Association for Indian People and the Guilford Native Americans; one
24 member representing the business community of the State; one
25 member representing the government of the State of North Carolina;
26 and one member representing the federal government shall be for two
27 years."

28 **SECTION 2.** This act becomes effective July 1, 2003.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Lucas** (Chair) for the Committee on **MILITARY, VETERANS AND INDIAN AFFAIRS**.

☐ Committee Substitute for

H.B. 746 A BILL TO BE ENTITLED AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐.

☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

03/19/03

PUBLIC BILL

H.B. 0746

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY
ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY
ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF
THE SAPONI NATION.

Introduced by Representative(s): Sutton.

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Principal Clerk's Use Only

PASSED 1st READING

MAR 27 2007

AND REFERRED TO COMMITTEE

ON Military, Veterans,
and Indian Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 746

Short Title: Amend Indian Recognition.

(Public)

Sponsors: Representative Sutton.

Referred to: Military, Veterans and Indian Affairs.

March 27, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 71A-3 reads as rewritten:

"§ 71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American Colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, who have previously been known as "Croatan Indians," "Indians of Robeson County," and "Cherokee Indians of Robeson County," shall, from and after April 20, 1953, be designated and officially recognized as Lumbee Tribe of North Carolina and shall continue to enjoy all rights, privileges and immunities enjoyed by them as citizens of the State as now provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law."

SECTION 2. Chapter 71A of the General Statutes is amended by adding two new sections to read:

"§ 71A-7.1. Meherrin Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now residing in small communities in Hertford, Bertie, Gates, and Northampton Counties, who in 1726 were granted reservational lands at the mouth of the Meherrin River in the vicinity of present-day Parker's Ferry near Winton in Hertford County, and who are of the same linguistic stock as the Cherokee, Tuscarora, and other tribes of the Iroquois Confederacy of New York and Canada, shall, from and after July

1 20, 1971, be designated and officially recognized as the Meherrin Tribe of North
2 Carolina, and shall continue to enjoy all their rights, privileges, and immunities as
3 citizens of the State as now or hereafter provided by law, and shall continue to be
4 subject to all the obligations and duties of citizens under the law.

5 **"§ 71A-7.2. Occaneechi Band of Saponi Nation in North Carolina; rights,**
6 **privileges, immunities, obligations and duties.**

7 The Indians now living primarily in the old settlement of Little Texas in Pleasant
8 Grove Township, Alamance County, who are lineal descendants of the Saponi and
9 related Indians who occupied the Piedmont of North Carolina and Virginia in precontact
10 times, and specifically of those Saponi and related Indians who formally became
11 tributary to Virginia under the Treaties of Middle Plantation in 1677 and 1680, and who
12 under the subsequent treaty of 1713 with the Colony of Virginia agreed to join together
13 as a single community, shall, from and after July 20, 1971, be designated and officially
14 recognized as the Occaneechi Band of the Saponi Nation of North Carolina, and shall
15 continue to enjoy all their rights, privileges, and immunities as citizens of the State as
16 now or hereafter provided by law, and shall continue to be subject to all the obligations
17 and duties of citizens under the law."

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

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Lucas** (Chair) for the Committee on **MILITARY, VETERANS AND INDIAN AFFAIRS**.

☐ Committee Substitute for
H.B. 745 A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE
NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and
recommendation that the committee substitute bill #) be re-referred to the Committee
on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

03/19/03

PUBLIC BILL

H.B. 0745

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD.

Introduced by Representative(s): Sutton.

Principal Clerk's Use Only

PASSED 1st READING
MAR 27 2003
AND REFERRED TO COMMITTEE
ON Military Veterans
and Indian Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 745

Short Title: Indian Cultural Center Changes.

(Public)

Sponsors: Representative Sutton.

Referred to: Military, Veterans and Indian Affairs.

March 27, 2003

A BILL TO BE ENTITLED
AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN
CULTURAL CENTER BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b) of Section 2 of Chapter 41 of the 1997 Session Laws, as amended by S.L. 1998-19 and S.L. 2001-318, reads as rewritten:

"(b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist of ~~17~~ 19 members, appointed as follows:

- (1) One member representing each of the following Indian groups recognized by the State of North Carolina: the Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; ~~the Lumbees of Robeson, Hoke, and Scotland Counties;~~ the Meherrin of Hertford County; ~~and the Indians of Person County; and the Waccamaw-Siouan from Columbus and Bladen Counties;~~ County;
- (1a) Two members representing each of the following Indian groups recognized by the State of North Carolina: the Lumbees of Robeson, Hoke, and Scotland Counties; and the Waccamaw-Siouan from Columbus and Bladen Counties;
- (2) One member each from the following Indian organizations: the Cumberland County Association for Indian People, the Guilford Native Americans, the Metrolina Native Americans, and the Triangle Native American Society;
- (3) One member representing the education community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland County;
- (4) Two members representing the business community of the ~~State;~~ State and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties;

(5) Two members representing the government of the State of North Carolina; ~~and Carolina and residing in Bladen, Columbus, Cumberland, Hoke, Robeson, or Scotland Counties; and~~

(6) One member representing the federal government.

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

Members shall serve two-year terms, except that the initial terms of:

(1) The members representing the Coharie of Sampson and Harnett Counties, the Eastern Band of Cherokees, the Indians of Person County; and the Meherrin of Hertford County; the member representing the Metrolina Native Americans; the member representing the education community of the State; one member representing the government of the State of North Carolina; and one member representing the business community shall be for one year; and

(2) The members representing the Haliwa of Halifax, Warren, and adjoining counties, the Lumbees of Robeson, Hoke, and Scotland Counties, and the Waccamaw-Siouan from Columbus and Bladen Counties; the members representing the Cumberland County Association for Indian People and the Guilford Native Americans; one member representing the business community of the State; one member representing the government of the State of North Carolina; and one member representing the federal government shall be for two years."

SECTION 2. The initial term of the additional Lumbee representative provided for in Section 1 of this act shall be for one year. The initial term of the additional Waccamaw-Siouan representative shall be for two years. If the members representing the education community, the business community, and the government of the State of North Carolina do not meet the residency requirement provided for in Section 1 of this act on the effective date of this act, new members shall be appointed to those seats to serve the remainder of those members' terms.

SECTION 3. This act becomes effective July 1, 2003.

**MINUTES
HOUSE COMMITTEE ON
MILITARY, VETERANS & INDIAN AFFAIRS**

The House Committee on Military, Veterans & Indian Affairs met on Wednesday, March 19, 2003, in Room 1425 of the Legislative Building at 10:00 a.m. The following members were present: ***Reps. Lucas, Gorman, Johnson McCombs, Sutton, Williams.*** Also Hal Pell and Theresa Matula, Staff Counsel were present. A Visitor Registration list is attached and made part of these minutes.

After introductions and recognition of the Pages (David Weikert and Mark Lewis – Wake Co., Jermony Taylor – Franklin Co.) and Sergeant-at-Arms staff (Bill Sullivan and Brain Doherty), Chairman Marvin Lucas welcomed everyone and called the meeting to order.

The order of business was HB 355, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY DESIGNATE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE INDIANS OF PERSON COUNTY AS SAPPONY. The Chair informed the committee an amendment had been sent forth by Representative Sutton. At that time, Representative Sutton explained the amendment and moved to call for adoption of the amendment. The amendment was adopted.

The Chair then asked Representative Sutton to explain the bill as amended.

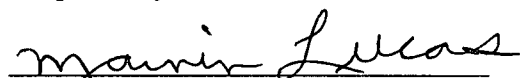
Julia Phipps, representing Indian Affairs of Person County, spoke in favor of the bill and requested support for the same.

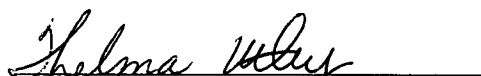
Representative Gorman asked why the bill was retroactive to 1913. It was explained that date was the first year for Indian recognition.

Representative Gorman made a motion to move for a favorable report. The bill, as amended, received a favorable report.

There being no further business, the Chair adjourned the meeting at 10:25 a.m.

Respectfully submitted,


Representative Marvin Lucas, Chair


Thelma Utley, Committee Assistant

**MINUTES
HOUSE COMMITTEE ON
MILITARY, VETERANS & INDIAN AFFAIRS**

The House Committee on Military, Veterans & Indian Affairs met on Wednesday, April 9, 2003, in Room 1425 of the Legislative Building at 10:00 a.m. The following members were present: ***Reps. Lucas, Coates, Johnson, Sexton, Sutton, and Williams.*** Also, Hal Pell, Staff Counsel was present. A Visitor Registration list is attached and made part of these minutes.

After introductions and recognition of the Pages (Brett Jarrett- Lincoln Co. and Mary Armstrong – Nash Co.) and Sergeant-at-Arms staff (Brain Doherty and Shannon Batten), Chairman Marvin Lucas welcomed everyone and called the meeting to order.

The first order of business was HB 710, Proposed Committee Substitute, A BILL TO BE ENTITLED AN ACT ADD A MEMBER REPRESENTING THE OCCANEECHI BAND OF THE SAPONI NATION TO THE BOARD OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD. The Chair informed the committee a PCS had been sent forth by Representative Sutton. At that time, Representative Sutton explained the PCS and moved to call for adoption of the PCS. The PCS was adopted.

Representative Williams asked Representative Sutton since we changed the spelling of Saponi in our last meeting, should it be changed here also. Representative Sutton explained that this is a separate tribe and they wish to keep the original spelling.

Representative Sexton made a motion to move for a favorable report with an unfavorable to the original bill. The committee concurred. The PCS, received a favorable report with an unfavorable to the original bill.

Second order of business was HB 745, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP OF THE NORTH CAROLINA INDIAN CULTURAL CENTER BOARD. The Chair asked Representative Sutton to explain the bill.

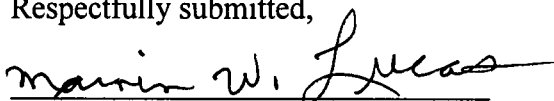
Representative Coates made a motion to move for a favorable report. The committee concurred. The bill received a favorable report.

Third order of business was HB 746, AN ACT TO AMEND AND MODERNIZE THE LAW NAMING THE INDIAN TRIBES IN THIS STATE BY ADDING CLARIFYING INFORMATION ABOUT REFERENCES TO THE LUMBEE TRIBE AND BY ADDING SECTIONS RECOGNIZING THE MEHERRIN TRIBE AND THE OCCANEECHI BAND OF THE SAPONI NATION. The Chair asked Representative Sutton to explain the bill.

Representative Williams made a motion to move for a favorable report. The committee concurred. The bill received a favorable report.

There being no further business, the Chair adjourned the meeting at 10:45 a.m.

Respectfully submitted,


Representative Marvin Lucas, Chair


Thelma Utley, Committee Assistant

House Pages

1. Name: Brett Jarrett
County: Lincoln
Sponsor: Joe Kiser
2. Name: Mary Armstrong
County: Nash
Sponsor: Rep. Tolson
3. Name: _____
County: _____
Sponsor: _____
4. Name: _____
County: _____
Sponsor: _____
5. Name: _____
County: _____
Sponsor: _____

Sgt-At-Arms

1. Name: Brian Doherty
2. Name: ~~XXXXXXXXXX~~ Shannon R. Hen
3. Name: _____
4. Name: _____

VISITOR REGISTRATION SHEET

Military, Veterans, & Indian Affairs
Name of Committee

3/17/03
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

<u>Fay Martin</u>	<u>Indians of Person County / Sappony</u>
<u>Julia Martin Phipps</u>	<u>Indians of Person County / Sappony</u>
<u>Gregory Martin</u>	<u>Indians of Person County / Sappony</u>
<u>Chief / Wanda Chief</u>	<u>Indians of Person County / Sappony</u>
<u>Robin R Martin</u>	<u>Indians of Person County / Sappony</u>
<u>Curt Shepherd</u>	<u>Indians of Person Co / Sappony</u>
<u>John Kurt</u>	<u>NCFPC</u>
<u>Zela Wiley</u>	<u>Allen Associates Inc</u>
<u>John Allen</u>	<u>NC Statewatch</u>

VISITOR REGISTRATION SHEET

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

John O'Leary
John Kustner
Wayne Reedner
Greg Richardson
Jill Allen
Bob Asablow

VFW
NCFPC
NC DUA
NCCIA
NC Statewatch
NC Statewatch

NORTH CAROLINA GENERAL ASSEMBLY
Military, Veterans And Indian Affairs Committee
2003 – 2004 SESSION



Rep. Marvin Lucas
Chair



Rep. Lorene T. Coates



Rep. Michael Gorman



Rep. Robert Grady



Rep. Charles E. Johnson



Rep. Fred Steen



Rep. Wayne Sexton



Rep. Ronnie N. Sutton



Rep. Alex Warner



Rep. Keith P. Williams



Rep. Brubaker
Ex-officio



Rep. Culpepper
Ex-officio



Rep. Cunningham
Ex-officio



Rep. Eddins
Ex-officio

ATTENDANCE

Military, Veterans And Indian Affairs

(Name of Committee)

[illegible]



HB 1550: Military Affairs Commission Membership.

BILL ANALYSIS

Committee: House Committee on Military,
Veterans and Indians

Date: June 1, 2004

Version: 1st Edition

Introduced by: Rep. Sutton & K. Williams

Summary by: Hal Pell

Committee Co-Counsel

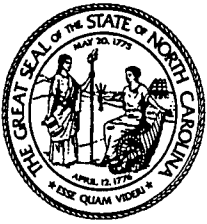
SUMMARY: *House Bill 1550 adds six members to the North Carolina Commission on Military Affairs. The act would be effective when it becomes law.*

BILL ANALYSIS:

The bill adds six members to the North Carolina Commission on Military Affairs. The additional members were recommended by the Commission. The new members would be:

- The Lieutenant Governor, or designee
- The Secretary of Transportation, or designee
- The Secretary of the Department of Environment and Natural Resources, or designee.
- The Executive Director of the North Carolina League of Municipalities, or designee
- The Executive Director of the North Carolina Association of County Commissioners, or designee.
- The Assistant Secretary for Veterans Affairs, Department of Administration.

The act is effective when it becomes law.



HB 1567: Military Planning Notice Required

BILL ANALYSIS

Committee: House Committee on Military,
Veterans, and Indians

Date: June 1, 2004

Version: 1st Edition

Introduced by: Rep. Sutton & K. Williams

Summary by: Barbara Riley
Committee Counsel

SUMMARY:

House Bill 1567 would require counties and cities planning to adopt or amend land use ordinances affecting property in the vicinity of a military installation to provide notice of the proposed ordinance or change to the commander of the military installation at least 30 days prior to the public hearing required under G.S. 153A-323 and G.S. 160A-364.

BACKGROUND:

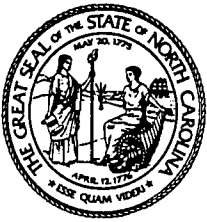
A serious issue facing both military installations and local governments is the increase in residential and commercial development of land surrounding military bases. Development that occurs near aircraft flight paths, artillery ranges, drop zones and other training facilities can present problems ranging from high levels of noise to risk of injury in accident hazard zones. Encroaching development around a military installation can lead to the curtailing of military training activities. In the upcoming round of base closures under the Base Realignment and Closure Act (BRAC), encroachment issues will be critical. The primary criterion listed by the Department of Defense for military installations is military value, which includes the present and future mission capability of a base and its impact on readiness of the total force.

BILL ANALYSIS:

G.S. 153A-323 and G.S. 160A-364 set forth the procedures for counties and cities, respectively, to adopt or amend land use ordinances. The statutes require that a public hearing be held and that notice of the hearing be published not less than 10 days or more than 25 days before the date of the hearing.

Sections 1 and 2 of the bill would require that when a proposed ordinance or amendment affects property in the vicinity of a military installation, the board of commissioners or city council must notify the commander of the nearby military installation at least 30 days prior to the public hearing. The board or council must take into consideration any comments made by the military regarding the compatibility of the proposed ordinance and military operations at the base. "Property in the vicinity of a military installation" is defined to mean land located 5 miles or less from the perimeter boundary of a military installation.

The act becomes effective July 1, 2004.



HB 1549: In-State Tuition for Military Reservists.

BILL ANALYSIS

Committee: House Committee on Military,
Veterans and Indians

Date: June 1, 2004

Version: 1st Edition

Introduced by: Representatives Sutton; K.
Williams.

Summary by: Hal Pell
Committee Counsel

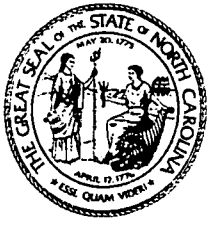
SUMMARY: *House Bill 1549 authorizes in-state tuition for member of the North Carolina National Guard or other Reserve Component members who are in North Carolina-based units. The act would be effective on July 1, 2004.*

BILL ANALYSIS:

The bill would allow non-residents to attend colleges in North Carolina at in-state tuition rates if: the reservist is a member of the North Carolina National Guard, or in an armed forces reserve unit and their assigned unit is located in North Carolina.

BACKGROUND

By current law, service members on active duty are charged the maximum available tuition assistance as their tuition. If a service member on active duty is not eligible for tuition assistance, the law provides that the in-state rate is applicable. The Tuition Assistance Program provides members of the North Carolina National Guard with up to \$2,000 per year for tuition.



SENATE BILL 1159: Military Affairs Commission Membership.

BILL ANALYSIS

Committee: Military, Veteran, and Indian
Affairs

Date: June 16, 2004

Version: Second Edition

Introduced by: Sen. Hargett

Summary by: Hal Pell
Committee Counsel

SUMMARY: *This bill adds six ex officio members to the North Carolina Advisory Commission on Military Affairs. The act would be effective when it becomes law.*

BILL ANALYSIS:

The act adds six ex officio members to the North Carolina Commission on Military Affairs:

- The Lieutenant Governor, or designee
- The Secretary of Transportation, or designee
- The Secretary of the Department of Environment and Natural Resources, or designee.
- The Executive Director of the North Carolina League of Municipalities, or designee
- The Executive Director of the North Carolina Association of County Commissioners, or designee.
- The Assistant Secretary for Veteran Affairs, Department of Administration.

BACKGROUND:

The General Assembly established the North Carolina Advisory Commission on Military Affairs in 2001. The general purpose of the Commission is to advise the Governor and the Secretary of Commerce on protecting the existing military infrastructure in this State, and to promote new military missions and economic opportunities for the State and its citizens. The bill is an interim recommendation of the Joint Select Committee on Military Affairs.

The act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1549*

Short Title: In-State Tuition for Military Reservists. (Public)

Sponsors: Representatives Sutton; K. Williams, Pate, Warner, Lucas, C. Johnson, Glazier, Gorman, Lewis, Sauls, and Wainwright.

Referred to: Military, Veterans and Indian Affairs.

May 20, 2004

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE
RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.1 reads as rewritten:

"§ 116-143.1. Provisions for determining resident status for tuition purposes.

(a) As defined under this section:

(1) A "legal resident" or "resident" is a person who qualifies as a domiciliary of North Carolina; a "nonresident" is a person who does not qualify as a domiciliary of North Carolina.

(2) A "resident for tuition purposes" is a person who qualifies for the in-State tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-State tuition rate.

(3) "Institution of higher education" means any of the constituent institutions of the University of North Carolina and the community colleges under the jurisdiction of the State Board of Community Colleges.

(b) To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes. Every applicant for admission shall be required to make a statement as to his length of residence in the State.

(c) To be eligible for classification as a resident for tuition purposes, a person must establish that his or her presence in the State currently is, and during the requisite 12-month qualifying period was, for purposes of maintaining a bona fide domicile rather than of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

1 (d) An individual shall not be classified as a resident for tuition purposes and,
2 thus, not rendered eligible to receive the in-State tuition rate, until he or she has
3 provided such evidence related to legal residence and its duration as may be required by
4 officials of the institution of higher education from which the individual seeks the
5 in-State tuition rate.

6 (e) When an individual presents evidence that the individual has living parent(s)
7 or court-appointed guardian of the person, the legal residence of such parent(s) or
8 guardian shall be prima facie evidence of the individual's legal residence, which may be
9 reinforced or rebutted relative to the age and general circumstances of the individual by
10 the other evidence of legal residence required of or presented by the individual;
11 provided, that the legal residence of an individual whose parents are domiciled outside
12 this State shall not be prima facie evidence of the individual's legal residence if the
13 individual has lived in this State the five consecutive years prior to enrolling or
14 reregistering at the institution of higher education at which resident status for tuition
15 purposes is sought.

16 (f) In making domiciliary determinations related to the classification of persons
17 as residents or nonresidents for tuition purposes, the domicile of a married person,
18 irrespective of sex, shall be determined, as in the case of an unmarried person, by
19 reference to all relevant evidence of domiciliary intent. For purposes of this section:

20 (1) No person shall be precluded solely by reason of marriage to a person
21 domiciled outside North Carolina from establishing or maintaining
22 legal residence in North Carolina and subsequently qualifying or
23 continuing to qualify as a resident for tuition purposes;

24 (2) No persons shall be deemed solely by reason of marriage to a person
25 domiciled in North Carolina to have established or maintained a legal
26 residence in North Carolina and subsequently to have qualified or
27 continued to qualify as a resident for tuition purposes;

28 (3) In determining the domicile of a married person, irrespective of sex,
29 the fact of marriage and the place of domicile of his or her spouse shall
30 be deemed relevant evidence to be considered in ascertaining
31 domiciliary intent.

32 (g) Any nonresident person, irrespective of sex, who marries a legal resident of
33 this State or marries one who later becomes a legal resident, may, upon becoming a
34 legal resident of this State, accede to the benefit of the spouse's immediately precedent
35 duration as a legal resident for purposes of satisfying the 12-month durational
36 requirement of this section.

37 (h) No person shall lose his or her resident status for tuition purposes solely by
38 reason of serving in the armed forces outside this State.

39 (h1) Any member of a North Carolina National Guard unit or a member of a
40 Reserve Component Unit based in North Carolina who is a nonresident shall be eligible
41 to be charged the in-State tuition rate and shall pay the full amount of the in-State
42 tuition rate and applicable mandatory fees. This subsection applies to members in a
43 reserve or active duty status.

(i) A person who, having acquired bona fide legal residence in North Carolina, has been classified as a resident for tuition purposes but who, while enrolled in a State institution of higher education, loses North Carolina legal residence, shall continue to enjoy the in-State tuition rate for a statutory grace period. This grace period shall be measured from the date on which the culminating circumstances arose that caused loss of legal residence and shall continue for 12 months; provided, that a resident's marriage to a person domiciled outside of North Carolina shall not be deemed a culminating circumstance even when said resident's spouse continues to be domiciled outside of North Carolina; and provided, further, that if the 12-month period ends during a semester or academic term in which such a former resident is enrolled at a State institution of higher education, such grace period shall extend, in addition, to the end of that semester or academic term.

(j) Notwithstanding the prima facie evidence of legal residence of an individual derived pursuant to subsection (e), notwithstanding the presumptions of the legal residence of a minor established by common law, and notwithstanding the authority of a judicially determined custody award of a minor, for purposes of this section, the legal residence of a minor whose parents are divorced, separated, or otherwise living apart shall be deemed to be North Carolina for the time period relative to which either parent is entitled to claim and does in fact claim the minor as a dependent for North Carolina individual income tax purposes. The provisions of this subsection shall pertain only to a minor who is claimed as a dependent by a North Carolina legal resident.

Any person who immediately prior to his or her eighteenth birthday would have been deemed under this subsection a North Carolina legal resident but who achieves majority before enrolling at an institution of higher education shall not lose the benefit of this subsection if that person:

- (1) Upon achieving majority, acts, to the extent that the person's degree of actual emancipation permits, in a manner consistent with bona fide legal residence in North Carolina; and
- (2) Begins enrollment at an institution of higher education not later than the fall academic term next following completion of education prerequisite to admission at such institution.

(k) Notwithstanding other provisions of this section, a minor who satisfies the following conditions immediately prior to commencement of an enrolled term at an institution of higher education, shall be accorded resident tuition status for that term:

- (1) The minor has lived for five or more consecutive years continuing to such term in North Carolina in the home of an adult relative other than a parent, domiciled in this State; and
- (2) The adult relative has functioned during those years as a de facto guardian of the minor and exercised day-to-day care, supervision, and control of the minor.

A person who immediately prior to his or her eighteenth birthday qualified for or was accorded resident status for tuition purposes pursuant to this subsection shall be deemed upon achieving majority to be a legal resident of North Carolina of at least 12 months' duration; provided, that the legal residence of such an adult person shall be

1 deemed to continue in North Carolina only so long as the person does not abandon legal
2 residence in this State.

3 (l) Any person who ceases to be enrolled at or graduates from an institution of
4 higher education while classified as a resident for tuition purposes and subsequently
5 abandons North Carolina domicile shall be permitted to reenroll at an institution of
6 higher education as a resident for tuition purposes without necessity of meeting the
7 12-month durational requirement of this section if the person reestablishes North
8 Carolina domicile within 12 months of abandonment of North Carolina domicile and
9 continuously maintains the reestablished North Carolina domicile at least through the
10 beginning of the academic term(s) for which in-State tuition status is sought. The
11 benefit of this subsection shall be accorded not more than once to any one person."

12 **SECTION 2.** This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1550*

Short Title: Military Affairs Comm. Membership. (Public)

Sponsors: Representatives Sutton; K. Williams, Pate,
Warner, Lucas, C. Johnson, Wainwright, and Gorman.

Referred to: Military, Veterans and Indian Affairs.

May 20, 2004

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON
MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127C-2(c) reads as rewritten:

"(c) The following ~~members~~ members, or
their designee, shall serve ex officio:

(1) The Lieutenant Governor.

~~(1)(2)~~ Secretary of Crime Control
and Public Safety, or a
designee. Safety.

~~(2)(3)~~ Secretary of
Commerce, or a
designee. Commerce.

(4) The Secretary of Transportation.

(5) The Secretary of the Department of
Environment and Natural Resources.

~~(3)(6)~~ Commanding General 18th
Airborne Corps, Fort Bragg.

~~(4)(7)~~ Commanding General Marine
Corps Base, Camp Lejeune.

~~(5)(8)~~ Commanding General Marine
Corps Air Station, Cherry Point.

~~(6)(9)~~ Commander 4th FW, Seymour
Johnson Air Force Base.

~~(7)(10)~~ Commander 43rd Airlift
Wing, Pope Air Force Base.

~~(8)(11)~~ Commander of the U.S.
Coast Guard Support Center, Elizabeth City.

~~(9)(12)~~ Adjutant General of the
North Carolina National Guard.

(13) The Executive Director of the North
Carolina League of Municipalities.

(14) The Executive Director of the North
Carolina Association of County Commissioners.

(15) The Assistant Secretary for Veterans
Affairs, Department of Administration."

SECTION 2. This act is effective when it becomes
law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1567

Short Title: Military Planning Notices. (Public)**Sponsors:** Representatives Sutton, K. Williams (Primary Sponsors); Wainwright, Lewis, Gorman, and Glazier.**Referred to:** Military, Veterans and Indian Affairs.

May 20, 2004

A BILL TO BE ENTITLED
AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY
INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO
THE MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:**"§ 153A-323. Procedure for adopting or amending ordinances
under this Article and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the board of commissioners shall provide written notice of the proposed changes to the commander of the military installation at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation."

SECTION 2. G.S. 160A-364 reads as rewritten:**"§ 160A-364. Procedure for adopting or amending ordinances
under Article.**

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day

of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the city council shall provide written notice to the commander of the military installation of the proposed changes at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the city council shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation."

SECTION 3. This act becomes effective July 1, 2004.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 1159*

Short Title: Military Affairs Comm. Membership. (Public)
Sponsors: Senators Hargett; Dorsett, Kerr, Lucas, Moore,
and Thomas.
Referred to: State Government, Local Government, and
Veterans' Affairs.

May 19, 2004

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON
MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127C-2(c) reads as rewritten:

"(c) The following ~~members~~ members, or
their designee, shall serve ex officio:

(1) The Lieutenant Governor.

~~(1)(2)~~ Secretary of Crime Control
and Public Safety, or a
~~designee Safety.~~

~~(2)(3)~~ Secretary of
Commerce, or a
~~designee Commerce.~~

(4) The Secretary of Transportation.

(5) The Secretary of the Department of
Environment and Natural Resources.

~~(3)(6)~~ Commanding General 18th
Airborne Corps, Fort Bragg.

~~(4)(7)~~ Commanding General Marine
Corps Base, Camp Lejeune.

~~(5)(8)~~ Commanding General Marine
Corps Air Station, Cherry Point.

~~(6)(9)~~ Commander 4th FW, Seymour
Johnson Air Force Base.

~~(7)(10)~~ Commander 43rd Airlift
Wing, Pope Air Force Base.

~~(8)(11)~~ Commander of the U.S.
Coast Guard Support Center, Elizabeth City.

~~(9)(12)~~ Adjutant General of the
North Carolina National Guard.

(13) The Executive Director of the North
Carolina League of Municipalities.

(14) The Executive Director of the North
Carolina Association of County Commissioners.

(15) The Assistant Secretary for Veterans
Affairs, Department of Administration."

SECTION 2. This act is effective when it becomes
law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 1161*

Short Title: Military Planning Notices. (Public)**Sponsors:** Senators Hargett; Kerr, Lucas, Moore, and Thomas.**Referred to:** State Government, Local Government, and Veterans' Affairs.

May 19, 2004

A BILL TO BE ENTITLED
AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY
INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO
THE MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

**"§ 153A-323. Procedure for adopting or amending ordinances
under this Article and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the board of commissioners shall provide written notice of the proposed changes to the commander of the military installation at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation."

SECTION 2. G.S. 160A-364 reads as rewritten:

**"§ 160A-364. Procedure for adopting or amending ordinances
under Article.**

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such

period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the city council shall provide written notice to the commander of the military installation of the proposed changes at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the city council shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation."

SECTION 3. This act becomes effective July 1, 2004.

PUBLIC BILL

1549

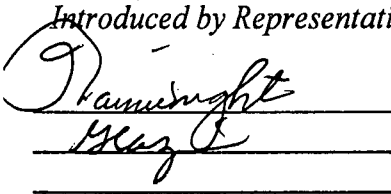
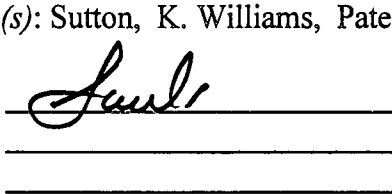
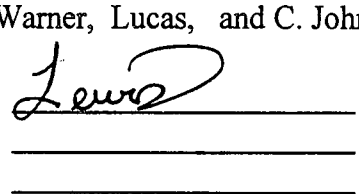
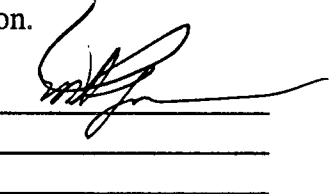
H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA.

Introduced by Representative(s): Sutton, K. Williams, Pate, Warner, Lucas, and C. Johnson.

			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Principal Clerk's Use Only

PASSED 1st READING

MAY 20 2004

AND REFERRED TO COMMITTEE

ON... *Sutton, Williams, Pate, Warner, Lucas, and C. Johnson*...

*military, Veterans &
Indian Affairs*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1549*

Short Title: In-State Tuition for Military Reservists. (Public)

Sponsors: Representatives Sutton; K. Williams, Pate, Warner, Lucas, C. Johnson, Glazier, Gorman, Lewis, Sauls, and Wainwright.

Referred to: Military, Veterans and Indian Affairs.

May 20, 2004

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE
RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.1 reads as rewritten:

"§ 116-143.1. Provisions for determining resident status for tuition purposes.

(a) As defined under this section:

(1) A "legal resident" or "resident" is a person who qualifies as a domiciliary of North Carolina; a "nonresident" is a person who does not qualify as a domiciliary of North Carolina.

(2) A "resident for tuition purposes" is a person who qualifies for the in-State tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-State tuition rate.

(3) "Institution of higher education" means any of the constituent institutions of the University of North Carolina and the community colleges under the jurisdiction of the State Board of Community Colleges.

(b) To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes. Every applicant for admission shall be required to make a statement as to his length of residence in the State.

(c) To be eligible for classification as a resident for tuition purposes, a person must establish that his or her presence in the State currently is, and during the requisite 12-month qualifying period was, for purposes of maintaining a bona fide domicile rather than of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

1 (d) An individual shall not be classified as a resident for tuition purposes and,
2 thus, not rendered eligible to receive the in-State tuition rate, until he or she has
3 provided such evidence related to legal residence and its duration as may be required by
4 officials of the institution of higher education from which the individual seeks the
5 in-State tuition rate.

6 (e) When an individual presents evidence that the individual has living parent(s)
7 or court-appointed guardian of the person, the legal residence of such parent(s) or
8 guardian shall be prima facie evidence of the individual's legal residence, which may be
9 reinforced or rebutted relative to the age and general circumstances of the individual by
10 the other evidence of legal residence required of or presented by the individual;
11 provided, that the legal residence of an individual whose parents are domiciled outside
12 this State shall not be prima facie evidence of the individual's legal residence if the
13 individual has lived in this State the five consecutive years prior to enrolling or
14 reregistering at the institution of higher education at which resident status for tuition
15 purposes is sought.

16 (f) In making domiciliary determinations related to the classification of persons
17 as residents or nonresidents for tuition purposes, the domicile of a married person,
18 irrespective of sex, shall be determined, as in the case of an unmarried person, by
19 reference to all relevant evidence of domiciliary intent. For purposes of this section:

20 (1) No person shall be precluded solely by reason of marriage to a person
21 domiciled outside North Carolina from establishing or maintaining
22 legal residence in North Carolina and subsequently qualifying or
23 continuing to qualify as a resident for tuition purposes;

24 (2) No persons shall be deemed solely by reason of marriage to a person
25 domiciled in North Carolina to have established or maintained a legal
26 residence in North Carolina and subsequently to have qualified or
27 continued to qualify as a resident for tuition purposes;

28 (3) In determining the domicile of a married person, irrespective of sex,
29 the fact of marriage and the place of domicile of his or her spouse shall
30 be deemed relevant evidence to be considered in ascertaining
31 domiciliary intent.

32 (g) Any nonresident person, irrespective of sex, who marries a legal resident of
33 this State or marries one who later becomes a legal resident, may, upon becoming a
34 legal resident of this State, accede to the benefit of the spouse's immediately precedent
35 duration as a legal resident for purposes of satisfying the 12-month durational
36 requirement of this section.

37 (h) No person shall lose his or her resident status for tuition purposes solely by
38 reason of serving in the armed forces outside this State.

39 (h1) Any member of a North Carolina National Guard unit or a member of a
40 Reserve Component Unit based in North Carolina who is a nonresident shall be eligible
41 to be charged the in-State tuition rate and shall pay the full amount of the in-State
42 tuition rate and applicable mandatory fees. This subsection applies to members in a
43 reserve or active duty status.

(i) A person who, having acquired bona fide legal residence in North Carolina, has been classified as a resident for tuition purposes but who, while enrolled in a State institution of higher education, loses North Carolina legal residence, shall continue to enjoy the in-State tuition rate for a statutory grace period. This grace period shall be measured from the date on which the culminating circumstances arose that caused loss of legal residence and shall continue for 12 months; provided, that a resident's marriage to a person domiciled outside of North Carolina shall not be deemed a culminating circumstance even when said resident's spouse continues to be domiciled outside of North Carolina; and provided, further, that if the 12-month period ends during a semester or academic term in which such a former resident is enrolled at a State institution of higher education, such grace period shall extend, in addition, to the end of that semester or academic term.

(j) Notwithstanding the prima facie evidence of legal residence of an individual derived pursuant to subsection (e), notwithstanding the presumptions of the legal residence of a minor established by common law, and notwithstanding the authority of a judicially determined custody award of a minor, for purposes of this section, the legal residence of a minor whose parents are divorced, separated, or otherwise living apart shall be deemed to be North Carolina for the time period relative to which either parent is entitled to claim and does in fact claim the minor as a dependent for North Carolina individual income tax purposes. The provisions of this subsection shall pertain only to a minor who is claimed as a dependent by a North Carolina legal resident.

Any person who immediately prior to his or her eighteenth birthday would have been deemed under this subsection a North Carolina legal resident but who achieves majority before enrolling at an institution of higher education shall not lose the benefit of this subsection if that person:

- (1) Upon achieving majority, acts, to the extent that the person's degree of actual emancipation permits, in a manner consistent with bona fide legal residence in North Carolina; and
- (2) Begins enrollment at an institution of higher education not later than the fall academic term next following completion of education prerequisite to admission at such institution.

(k) Notwithstanding other provisions of this section, a minor who satisfies the following conditions immediately prior to commencement of an enrolled term at an institution of higher education, shall be accorded resident tuition status for that term:

- (1) The minor has lived for five or more consecutive years continuing to such term in North Carolina in the home of an adult relative other than a parent, domiciled in this State; and
- (2) The adult relative has functioned during those years as a de facto guardian of the minor and exercised day-to-day care, supervision, and control of the minor.

A person who immediately prior to his or her eighteenth birthday qualified for or was accorded resident status for tuition purposes pursuant to this subsection shall be deemed upon achieving majority to be a legal resident of North Carolina of at least 12 months' duration; provided, that the legal residence of such an adult person shall be

1 deemed to continue in North Carolina only so long as the person does not abandon legal
2 residence in this State.

3 (l) Any person who ceases to be enrolled at or graduates from an institution of
4 higher education while classified as a resident for tuition purposes and subsequently
5 abandons North Carolina domicile shall be permitted to reenroll at an institution of
6 higher education as a resident for tuition purposes without necessity of meeting the
7 12-month durational requirement of this section if the person reestablishes North
8 Carolina domicile within 12 months of abandonment of North Carolina domicile and
9 continuously maintains the reestablished North Carolina domicile at least through the
10 beginning of the academic term(s) for which in-State tuition status is sought. The
11 benefit of this subsection shall be accorded not more than once to any one person."

12 **SECTION 2.** This act becomes effective July 1, 2004.

1550

H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

Introduced by Representative(s): Sutton, K. Williams, Pate, Warner, Lucas, and C. Johnson.

<i>Thammyright</i>	<i>[Signature]</i>		
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Principal Clerk's Use Only

PASSED 1st READING
MAY 20 2004
AND REFERRED TO COMMITTEE
ON... *Rules, etc.*

*Military, Veterans
and Indian Affairs*

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1550*

Short Title: Military Affairs Comm. Membership.

(Public)

Sponsors: Representatives Sutton; K. Williams, Pate, Warner, Lucas, C. Johnson,
Wainwright, and Gorman.

Referred to: Military, Veterans and Indian Affairs.

May 20, 2004

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION
ON MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127C-2(c) reads as rewritten:

"(c) The following ~~members~~members, or their designee, shall serve ex officio:

(1) The Lieutenant Governor.

(2) Secretary of Crime Control and Public Safety, or a designee.~~Safety.~~

(3) Secretary of Commerce, or a designee.~~Commerce.~~

(4) The Secretary of Transportation.

(5) The Secretary of the Department of Environment and Natural
Resources.

(6) Commanding General 18th Airborne Corps, Fort Bragg.

(7) Commanding General Marine Corps Base, Camp Lejeune.

(8) Commanding General Marine Corps Air Station, Cherry Point.

(9) Commander 4th FW, Seymour Johnson Air Force Base.

(10) Commander 43rd Airlift Wing, Pope Air Force Base.

(11) Commander of the U.S. Coast Guard Support Center, Elizabeth City.

(12) Adjutant General of the North Carolina National Guard.

(13) The Executive Director of the North Carolina League of
Municipalities.

(14) The Executive Director of the North Carolina Association of County
Commissioners.

(15) The Assistant Secretary for Veterans Affairs, Department of
Administration."

SECTION 2. This act is effective when it becomes law.

PUBLIC BILL

Proposed Committee Substitute For
H.B. 1550

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS.

Introduced by Representative(s): Sutton,

2

Principal Clerk's Use Only

Committee on Military, Veterans, and Indian Affairs
Majority being present, having considered
bill, commend that it do ☒ pass.

Rep. Lucas
For the Committee

☒ FAVORABLE TO COMM. SUB
☐ UNFAVORABLE TO BILL

JUN 2 2004

366 AND PLACED ON
CALENDAR FOR

ON MOTION OF <u>Rep. Moore</u> WITHDRAWN FROM <u>Cal 366</u> JUN 8 2004 RECOMMITTED TO <u>Rules, etc.</u>

ON MOTION OF REP. <u>Culpepper</u> WITHDRAWN FROM <u>Rules, etc.</u> JUNE 14 2004 RECOMMITTED TO

⇒ Military & Vets Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 1550*

PROPOSED COMMITTEE SUBSTITUTE H1550-PCS60495-SH-20

Short Title: Military Affairs Comm. Membership.

(Public)

Sponsors:

Referred to:

May 20, 2004

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION
3 ON MILITARY AFFAIRS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 127C-2(a) reads as rewritten:

6 "(a) The North Carolina Advisory Commission on Military Affairs shall consist of
7 21 voting members, who shall serve on the Executive Committee, and ~~nine~~ 15
8 nonvoting, ex officio members who shall serve by reason of their positions."

9 SECTION 2. G.S. 127C-2(c) reads as rewritten:

10 "(c) The following ~~members~~ members, or their designee, shall serve ex officio:

11 (1) The Lieutenant Governor.

12 ~~(1)(2)~~ Secretary of Crime Control and Public ~~Safety, or a designee.~~ Safety.

13 ~~(2)(3)~~ Secretary of ~~Commerce, or a designee.~~ Commerce.

14 (4) The Secretary of Transportation.

15 (5) The Secretary of the Department of Environment and Natural
16 Resources.

17 ~~(3)(6)~~ Commanding General 18th Airborne Corps, Fort Bragg.

18 ~~(4)(7)~~ Commanding General Marine Corps Base, Camp Lejeune.

19 ~~(5)(8)~~ Commanding General Marine Corps Air Station, Cherry Point.

20 ~~(6)(9)~~ Commander 4th FW, Seymour Johnson Air Force Base.

21 ~~(7)(10)~~ Commander 43rd Airlift Wing, Pope Air Force Base.

22 ~~(8)(11)~~ Commander of the U.S. Coast Guard Support Center, Elizabeth City.

23 ~~(9)(12)~~ Adjutant General of the North Carolina National Guard.

24 (13) The Executive Director of the North Carolina League of
25 Municipalities.

26 (14) The Executive Director of the North Carolina Association of County
27 Commissioners.

(15) The Assistant Secretary for Veterans Affairs, Department of Administration."

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

PUBLIC BILL

St. Gov. Loc. Gov. Vet. Affairs

Proposed Committee Substitute For
S.B. 1161

SESSION LAW _____

ED H 1567

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO GIVE NOTICE OF LAND-
USE PLANNING CHANGES TO THE MILITARY BASES.

Introduced by Senator(s)

Targett

Principal Clerk's Use Only

Committee Substitute
Adopted
Pursuant to Rule 45.1
JUN 9 2004

CHANGES TITLE

PASSED 2nd & 3rd
READINGS
46-0 VV
JUN 10 2004
ORDERED SENT TO
JBE ON REPRESENTATIVE

James Pruitt

RECEIVED

JUN 14 2004

Jm 7:50 pm

PASSED 1st READING
JUN 15 2004
AND REFERRED TO COMMITTEE
ON Military Veterans

and Indian Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

H

D

HOUSE BILL 1567

PROPOSED COMMITTEE SUBSTITUTE H1567-PCS50420-RF-31

Short Title: Military Planning Notices.

(Public)

Sponsors:

Referred to:

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO
GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY
BASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

"§ 153A-323. Procedure for adopting or amending ordinances under this Article
and Chapter 160A, Article 19.

(a) Before adopting or amending any ordinance authorized by this Article or
Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the
ordinance or amendment. The board shall cause notice of the hearing to be published
once a week for two successive calendar weeks. The notice shall be published the first
time not less than 10 days nor more than 25 days before the date fixed for the hearing.
In computing such period, the day of publication is not to be included but the day of the
hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the
vicinity of a military base the board of commissioners shall provide written notice of the
proposed changes to the commander of the military base not less than 10 days nor more
than 25 days before the date fixed for the public hearing. If the military provides
comments or analysis regarding the compatibility of the proposed ordinance or
amendment with military operations at the base, the board of commissioners shall take
the comments and analysis into consideration before making a final determination on
the ordinance. For purposes of this section, the phrase 'property within the vicinity of a
military base' means land located five miles or less from the perimeter boundary of a
military base."

SECTION 2. G.S. 160A-364 reads as rewritten:

"§ 160A-364. Procedure for adopting or amending ordinances under Article.

1 (a) Before adopting or amending any ordinance authorized by this Article, the
2 city council shall hold a public hearing on it. A notice of the public hearing shall be
3 given once a week for two successive calendar weeks in a newspaper having general
4 circulation in the area. The notice shall be published the first time not less than 10 days
5 nor more than 25 days before the date fixed for the hearing. In computing such period,
6 the day of publication is not to be included but the day of the hearing shall be included.

7 (b) If the adoption or modification of the ordinance will affect property in the
8 vicinity of a military base, the city council shall provide written notice to the
9 commander of the military base of the proposed changes not less than 10 days nor more
10 than 25 days prior to the public hearing. If the military provides comments or analysis
11 regarding the compatibility of the proposed ordinance or amendment with military
12 operations at the base, the city council shall take the comments and analysis into
13 consideration before making a final determination on the ordinance. For purposes of this
14 section, the phrase 'property within the vicinity of a military base' means land located
15 five miles or less from the perimeter boundary of a military base."

16 **SECTION 3.** This act becomes effective July 1, 2004.

1567

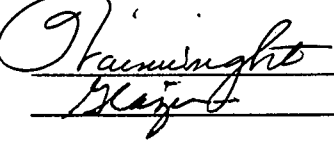


H.B. _____

SESSION LAW _____

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS.

Introduced by Representative(s): Sutton and K. Williams (Primary Sponsors).

			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Principal Clerk's Use Only

PASSED 1st READING
MAY 20 2004
AND REFERRED TO COMMITTEE

ON Military Veterans,
and Indian Affairs

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1567

Short Title: Military Planning Notices.

(Public)

Sponsors: Representatives Sutton, K. Williams (Primary Sponsors); Wainwright, Lewis, Gorman, and Glazier.

Referred to: Military, Veterans and Indian Affairs.

May 20, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY
INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES
TO THE MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

**"§ 153A-323. Procedure for adopting or amending ordinances under this Article
and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the board of commissioners shall provide written notice of the proposed changes to the commander of the military installation at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation."

SECTION 2. G.S. 160A-364 reads as rewritten:

"§ 160A-364. Procedure for adopting or amending ordinances under Article.

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be

1 given once a week for two successive calendar weeks in a newspaper having general
2 circulation in the area. The notice shall be published the first time not less than 10 days
3 nor more than 25 days before the date fixed for the hearing. In computing such period,
4 the day of publication is not to be included but the day of the hearing shall be included.

5 (b) If the adoption or modification of the ordinance will affect property in the
6 vicinity of a military installation, the city council shall provide written notice to the
7 commander of the military installation of the proposed changes at least 30 days prior to
8 the public hearing. If the military provides comments or analysis regarding the
9 compatibility of the proposed ordinance or amendment with military operations at the
10 installation, the city council shall take the comments and analysis into consideration
11 before making a final determination on the ordinance. For purposes of this section, the
12 phrase 'property within the vicinity of a military installation' means land located five
13 miles or less from the perimeter boundary of a military installation."

14 **SECTION 3.** This act becomes effective July 1, 2004.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Lucas** (Chair) for the Committee on **MILITARY, VETERANS AND INDIAN AFFAIRS**.

☒ Committee Substitute for
S.B. 1159 AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION
ON MILITARY AFFAIRS.

- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

1

SENATE BILL 1159*

Short Title: Military Affairs Comm. Membership. (Public)
Sponsors: Senators Hargett; Dorsett, Kerr, Lucas, Moore,
and Thomas.
Referred to: State Government, Local Government, and
Veterans' Affairs.

May 19, 2004

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON
MILITARY AFFAIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 127C-2(c) reads as rewritten:

"(c) The following ~~members~~ members, or
their designee, shall serve ex officio:

(1) The Lieutenant Governor.

~~(1)(2)~~ Secretary of Crime Control
and Public Safety, or a
designee Safety.

~~(2)(3)~~ Secretary of
Commerce, or a
designee Commerce.

(4) The Secretary of Transportation.

(5) The Secretary of the Department of
Environment and Natural Resources.

~~(3)(6)~~ Commanding General 18th
Airborne Corps, Fort Bragg.

~~(4)(7)~~ Commanding General Marine
Corps Base, Camp Lejeune.

~~(5)(8)~~ Commanding General Marine
Corps Air Station, Cherry Point.

~~(6)(9)~~ Commander 4th FW, Seymour
Johnson Air Force Base.

~~(7)(10)~~ Commander 43rd Airlift
Wing, Pope Air Force Base.

~~(8)(11)~~ Commander of the U.S.
Coast Guard Support Center, Elizabeth City.

~~(9)(12)~~ Adjutant General of the
North Carolina National Guard.

(13) The Executive Director of the North
Carolina League of Municipalities.

(14) The Executive Director of the North
Carolina Association of County Commissioners.

(15) The Assistant Secretary for Veterans
Affairs, Department of Administration."

SECTION 2. This act is effective when it becomes
law.

**2003 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative **Lucas** (Chair) for the Committee on **MILITARY, VETERANS AND INDIAN AFFAIRS**.

- ☒ Committee Substitute for
S.B. 1161 AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO
GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY BASES.
- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on Appropriations ☐ Finance ☐ ☐.
- ☐ With a favorable report as to the committee substitute bill (#), ☐ which changes the
title, unfavorable as to (the original bill) (Committee Substitute Bill #), (and
recommendation that the committee substitute bill #) be re-referred to the Committee
on .)
- ☒ With a favorable report as to House committee substitute bill (#), ☐ ~~which changes
the title,~~ unfavorable as to Senate committee substitute bill.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

03/19/03

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 1161*
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 6/9/04

Short Title: Military Planning Notices.

(Public)

Sponsors:

Referred to:

May 19, 2004

A BILL TO BE ENTITLED
AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO
GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY
BASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

"§ 153A-323. Procedure for adopting or amending ordinances under this Article and Chapter 160A, Article 19.

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance.

SECTION 2. G.S. 160A-364 reads as rewritten:

"§ 160A-364. Procedure for adopting or amending ordinances under Article.

(a) Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be

1 given once a week for two successive calendar weeks in a newspaper having general
2 circulation in the area. The notice shall be published the first time not less than 10 days
3 nor more than 25 days before the date fixed for the hearing. In computing such period,
4 the day of publication is not to be included but the day of the hearing shall be included.

5 (b) If the adoption or modification of the ordinance would result in changes to
6 the zoning map or would change or affect the permitted uses of land located five miles
7 or less from the perimeter boundary of a military base, the board of commissioners shall
8 provide written notice of the proposed changes by certified mail, return receipt
9 requested, to the commander of the military base not less than 10 days nor more than 25
10 days before the date fixed for the public hearing. If the military provides comments or
11 analysis regarding the compatibility of the proposed ordinance or amendment with
12 military operations at the base, the board of commissioners shall take the comments and
13 analysis into consideration before making a final determination on the ordinance."

14 **SECTION 3.** This act becomes effective July 1, 2004.

**MINUTES
HOUSE COMMITTEE ON
MILITARY, VETERANS AND INDIAN AFFAIRS**

The House Committee on Military, Veterans And Indian Affairs met on Wednesday, June 2, 2004, in Room 1425 of the Legislative Building at 10:00 a.m. The following members were present: ***Reps. Lucas, Coates, Gorman, Sexton, Sutton, Warner and Williams.*** Also, Barbara Riley and Theresa Matula, Staff Counsel were present. A Visitor Registration list is attached and made part of these minutes.

After introductions and recognition of the Pages (Jason Sexton, Granville Co., Christy Kilborn, Wake Co., Stacie Hudson, Craven Co., Paige Ridout and Nan Daniels, Johnston Co.) and Sergeant-at-Arms staff (Brain Doherty, Bill Sullivan and Philip Schreibman), Chairman Marvin Lucas welcomed everyone and called the meeting to order.

The first order of business was HB 1550, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. A PCS was sent forth by Representative Sutton. The Chair asked Representative Sutton to explain the PCS and moved to call for adoption of the PCS.

Representative K. Williams made a motion to move for a favorable report to the PCS with an unfavorable to the original bill. The committee concurred. The PCS received a favorable report with an unfavorable to the original bill.

Second order of business was HB 1567, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS. A PCS was sent forth. The Chair asked Representative Sutton to explain the PCS.


Representative Coates made a motion to move for a favorable report to the PCS with an unfavorable to the original bill. The committee concurred. The PCS received a favorable report with an unfavorable to the original bill.

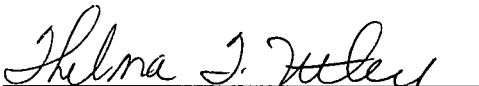
Third order of business was HB 1549, AN ACT TO AUTHORIZE IN-STATE TUITION FOR MEMBERS OF THE RESERVE COMPONENTS WHO ARE ASSIGNED TO UNITS LOCATED IN NORTH CAROLINA. A PCS was sent forth. The Chair asked Representative Sutton to explain the PCS.

Representative Gorman made a motion to move for a favorable report to the PCS. The committee concurred. The PCS received a favorable report with an unfavorable to the original bill.

There was no further business, the Chair adjourned the meeting at 10:30 a.m.

Respectfully submitted,


Representative Marvin Lucas, Chair


Thelma Utley, Committee Assistant

**MINUTES
HOUSE COMMITTEE ON
MILITARY, VETERANS AND INDIAN AFFAIRS**

The House Committee on Military, Veterans And Indian Affairs met on Wednesday, June 16, 2004, in Room 1425 of the Legislative Building at 10:00 a.m. The following members were present: ***Reps. Lucas, Coates, Sexton, Steen, Sutton, Warner and Williams.*** Also, Hal Peele and Theresa Matula, Staff Counsel were present. A Visitor Registration list is attached and made part of these minutes.

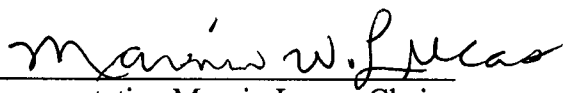
After introductions and recognition of the Pages (Lindsey Croft and Mary Cole Allen from Randolph Co, Lauren Ross and Lauren Bollinger from Mecklenburg Co, David Epps, Wake Co., and Michael Edwards, Hertford Co.) and Sergeant-at-Arms staff (Leslie Oakley, Brain Doherty, and Charles Williams), Rep. Fred Steen was introduced as a new member on committee to replace Rep. McCombs. Chairman Marvin Lucas welcomed everyone and called the meeting to order.

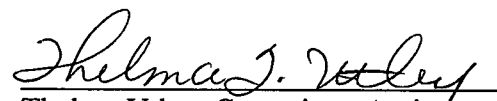
The first order of business was SB 1159, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE ADVISORY COMMISSION ON MILITARY AFFAIRS. The Chair asked Senator Hargett to explain the bill. Rep. Sexton moved for a favorable report. The committee concurred. The bill received a favorable report.

Second order of business was SB 1161, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY INSTALLATIONS. The Chair asked Senator Hargett to explain the bill. Rep. Sexton moved for a favorable report. Rep. Sutton noted in Section 1, Page lines 7 and 12 should be referred to ruling body should refer to city instead of county. Rep. Sutton moved to change line 7 and 12 or anywhere it refers to county instead of city be changed. Rep. Warner made motion. Rep. Sutton moved to adopt the amendment that is rolled into a PCS and make this PCS unfavorable to original bill. The committee concurred. Favorable to PCS, unfavorable to committee substitute bill.

There was no further business, the Chair adjourned the meeting at 10:25 a.m.

Respectfully submitted,


Representative Marvin Lucas, Chair


Thelma Utley, Committee Assistant

VISITOR REGISTRATION SHEET

Military, Veterans, and Indian Affairs

Name of Committee

6/2/04

Date _____

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FIRM OR AGENCY:

REP PATE

HOUSE

Rep SAULS

House

Wayne Peedin

Veterans Affairs

Charlie Smith

Veterans Affairs

Caroline Howe

LT. Groves Office

Geoffrey McKelvin

N.C. Limbination Network

CHARLES ARCHER

NCLM

Andy Romero

NCLM

Paul Meyer

NCALL

ML Singhetam

Intern - Rep. Coates

Marvin R. Waters

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CASANOVA SKINNER

CCPS

Cameron Bailey

44002

Art Brill

WCDOL

John Thomas:

NCDOJ

Kathy Hawkins

Progress Energy

JOHN GOODMAN

ALLEY ASSOCIATES

House Pages

1. Name: Jason Sexton
County: Granville
Sponsor: Crawford
2. Name: Christy Kilborn
County: Wake
Sponsor: McComas
3. Name: Stacie Hudson
County: Craven
Sponsor: Nye
4. Name: Daiqe Ridout
County: Johnston
Sponsor: Daughtry
5. Name: Nan Daniels
County: Johnston
Sponsor: Daughtry

Sgt-At-Arms

1. Name: Bill Sullivan
2. Name: Brian Doherty
3. Name: Philip Schreiber
4. Name: _____

VISITOR REGISTRATION SHEET

Military Veterans And Indian Affairs

Name of Committee

6-16-04

Date

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NAME

FIRM OR AGENCY AND ADDRESS

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NC State Change

Johanna Reese

DE N 2

Charlie Smith

NC Div. of Veterans Affairs

Joe Zech

Gen. At.

JOHN GOODMAN

ALLEY ASSOCIATES