

2009

**HOUSE
FEDERAL RELATIONS &
INDIAN AFFAIRS**

MINUTES



FEDERAL RELATIONS AND INDIAN AFFAIRS

2009-2010 SESSION

**REPRESENTATIVE DAN BLUE, CO CHAIR
REPRESENTATIVE RON SUTTON, CO CHAIR**

VICE CHAIRS

**Representative PHILLIP FRYE
Representative GRIER MARTIN
Representative GARLAND PEIRCE**

**COMMITTEE COUNSEL
HAL PELL**

**COMMITTEE ASSISTANT
B. J. McMILLAN
JO BOBBITT**

**FEDERAL RELATIONS AND INDIAN AFFAIRS
2009-2010 SESSION**

MEMBER	ASSISTANT	PHONE	OFFICE	SEAT
BLUE, Dan, Co Chair	B. J. McMillan Committee Assistant	733-5752	2207	79
SUTTON, Ron, Co Chair	Jo Bobbitt Committee Assistant	715-0875	1321	72
FRYE, Phillip, Vice Chair	Mary Hayes	733-5661	1019	62
MARTIN, Grier, Vice Chair	Sylvia Hammons	733-5758	2123	18
PIERCE, Garland, Vice Chair	Mildred Alston	733-5803	301	7
BROWN, Larry	Delores Ledford	733-5607	609	73
GILLESPIE, Mitch	Cindy Hobbs	733-5862	1008	74
WEST, Roger	Linda Johnson	733-5859	1004	50
YONGUE, Doug	Katie Stanley	733-5821	1303	1

Committee Counsel:
Hal Pell

Committee Assistant:
B. J. McMillan
Jo Bobbitt

2009-2010 SESSION

[illegible]

North Carolina General Assembly
Through House Committee on
Federal Relations and Indian Affairs

Date: 12/11/2009
Time: 17:18
Page: 001 of 001
Leg. Day: H-114/S-112

2009-2010 Biennium

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0324	Cleveland	STIMULUS FUNDS/ CONTRACTORS MUST USE E-VERIFY.	H Ref to the Com on Federal Relations and Indian Affairs, if favorable, Appropriations	03-02-09	
H0338	McElraft	STIMULUS FUNDS/ CONTRACTORS MUST USE E-VERIFY.	H Ref to the Com on Federal Relations and Indian Affairs, if favorable, Appropriations	03-02-09	
\$ H0407	Sutton	AMERICAN INDIAN ARTS INSTITUTE FUNDS.	H Ref to the Com on Federal Relations and Indian Affairs, if favorable, Appropriations	03-05-09	
\$ H0408=	Sutton	INDIAN ECONOMIC DEVELOPMENT FUNDS.	H Ref to the Com on Federal Relations and Indian Affairs, if favorable, Appropriations	03-05-09	
H0409	Sutton	ANNUAL ARCHAEOLOGY REPORTS.	H Re-ref Com On State Government/ State Personnel	03-05-09	05-07-09
\$ H0410	Sutton	COMM. OF INDIAN AFFAIRS FUNDS.	H Ref to the Com on Federal Relations and Indian Affairs, if favorable, Appropriations	03-05-09	
H0411	Sutton	COMM. OF INDIAN AFFAIRS INTERIM APPOINTMENTS.	HR Ch. SL 2009-39	03-05-09	04-15-09
H0412	Sutton	ADVISORY COUNCIL ON INDIAN EDUCATION.	*H Ref To Com On Education/Higher Education	03-05-09	04-15-09
H0945	Sutton	THE STUDIES ACT OF 2009.	*HR Ch. SL 2009-574	04-01-09	04-15-09
H0976=	Gibson	STREAMLINED SALES AND USE TAX UPDATE.	H Ref to the Com on Federal Relations and Indian Affairs, if favorable, Finance	04-02-09	

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

CORRECTED NOTICE: TIME AND ROOM NUMBER HAVE BEEN ADDED

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Federal Relations and Indian Affairs** will meet as follows:

DAY & DATE: Wednesday, April 15, 2009

TIME: 2:00 PM

LOCATION: 1228 LB

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 411	Comm. of Indian Affairs Interim Appointments.	Representative Sutton
HB 412	Advisory Council on Indian Education.	Representative Sutton
HB 945	Enforce Federal Indian Child Welfare Act.	Representative Sutton

Respectfully,
Representative Blue, Chair
Representative Sutton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 14 o'clock on **April 08, 2009**.

X ☐ Principal Clerk
X ☐ Reading Clerk – House Chamber

Jo Bobbitt (Committee Assistant)



NORTH CAROLINA GENERAL ASSEMBLY

Federal Relations and Indian Affairs Committee

AGENDA

Wednesday, April 15, 2009

2:00 P M

Room 1228, Legislative Building

I. Welcome

II. Agenda Items

HB 411 Comm. Of Indian Affairs Interim Appointments
Representative Sutton, Sponsor

HB 412 Advisory Council on Indian Education
Representative Sutton, Sponsor

HB 945 Enforce Federal Indian Child Welfare
Representative Sutton, Sponsor

III. Discussion

IV. Adjourn



FEDERAL RELATIONS AND INDIAN AFFAIRS COMMITTEE

April 15, 2009

2:00 PM

Minutes

The Federal Relations and Indian Affairs Committee met on Wednesday, April 15, 2009, at 2:00 p.m. Co-Chairman, Representative Dan Blue, called the meeting to order and the following members were present: Co-Chairman, Representative Sutton; Representatives Frye, Pierce, Brown, Gillespie, and West. A copy of the agenda and visitor registration is attached.

The Chair welcomed the members and introduced the staff. The Sergeants-at-Arms and Pages were also introduced.

HB 411

Representative Sutton, the bill's sponsor, was recognized to explain **HB 411, an act to provide for the designation of interim members to serve on the Commission of Indian Affairs in the event that a tribe or group is temporarily unable to fill a vacancy on the Commission.** After a brief discussion Representative West made a motion to give the bill a favorable report. The motion passed.

HB 412

Representative Sutton, the bill's sponsor, explained **HB 412, an act to provide for two additional members of the advisory council on Indian Education.** He moved to have a proposed committee substitute before the Committee for discussion. All were in favor. Following Representative Sutton's explanation of the proposed committee substitute, Representative Frye made a motion that it be given a favorable report, unfavorable as to the original bill and that the bill be re-referred to the Committee on Appropriations. The motion passed. The proposed committee substitute will change the bill's title to: **an act to**

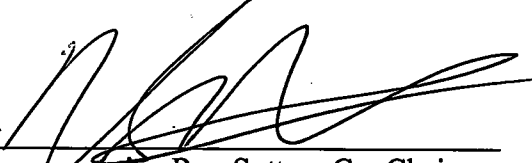
provide for two additional members of the advisory council on Indian Education and to broadly include state Indian tribes and communities in the membership.

HB 945

The last bill before the Committee was **HB 945, an act requiring that the North Carolina Department of Health and Human Services ensures enforcement of the Federal Indian Child Welfare Act.** Representative Sutton, the bill's sponsor, asked that a proposed committee substitute be before the Committee for discussion. All were in favor. After questions and discussion by members, Representative Gillespie moved that the proposed committee substitute be given a favorable report, unfavorable as to the original bill, and be re-referred to the Committee on Health. The motion passed.

There being no further bills before the Committee, the meeting adjourned.

Representative Dan Blue, Co-Chairman



Representative Ron Sutton, Co. Chairman



Jo Bobbitt, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Blue, Sutton (Chairs) for the Committee on FEDERAL RELATIONS
AND INDIAN AFFAIRS.

☐ Committee Substitute for

HB 411 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE
DESIGNATION OF INTERIM MEMBERS TO SERVE ON THE COMMISSION OF INDIAN
AFFAIRS IN THE EVENT THAT A TRIBE OR GROUP IS TEMPORARILY UNABLE TO
FILL A VACANCY ON THE COMMISSION.

☒ With a favorable report.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of _____.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 411

Short Title: Comm. of Indian Affairs Interim Appointments. (Public)

Sponsors: Representatives Sutton; and Hughes.

Referred to: Federal Relations and Indian Affairs.

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE DESIGNATION OF INTERIM MEMBERS TO SERVE
ON THE COMMISSION OF INDIAN AFFAIRS IN THE EVENT THAT A TRIBE OR
GROUP IS TEMPORARILY UNABLE TO FILL A VACANCY ON THE
COMMISSION.

The General Assembly of North Carolina enacts:

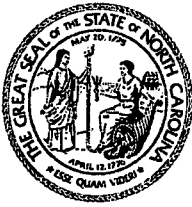
SECTION 1. G.S. 143B-407(b) reads as rewritten:

"(b) Members serving by virtue of their office within State government shall serve so long as they hold that office. Members representing Indian tribes and groups shall be elected by the tribe or group concerned and shall serve for three-year terms except that at the first election of Commission members by tribes and groups one member from each tribe or group shall be elected to a one-year term, one member from each tribe or group to a two-year term, and one member from the Lumbees to a three-year term. The initial appointment from the Indians of Person County shall expire on June 30, 1999. The initial appointment from the Triangle Native American Society shall expire June 30, 2003. The initial appointment of the Occaneechi Band of the Saponi Nation shall expire June 30, 2005. Thereafter, all Commission members will be elected to three-year terms. All members shall hold their offices until their successors are appointed and qualified. Vacancies occurring on the Commission shall be filled by the tribal council or governing body concerned. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member causing the vacancy. The Governor shall appoint a chairman of the Commission from among the Indian members of the Commission, subject to ratification by the full Commission. The initial appointments by the General Assembly shall expire on June 30, 1983. Thereafter, successors shall serve for terms of two years.

In the event that a vacancy occurs among the membership representing Indian tribes and groups and the vacancy temporarily cannot be filled by the tribe or group for any reason, the Commission membership may designate a tribal or group member to serve on the Commission on an interim basis until the tribe or group is able to select a permanent member to fill the vacancy. The service of the interim member shall terminate immediately upon appointment by the tribe or group of a member to fill the vacancy in its membership."

SECTION 2. This act becomes effective July 1, 2009.





HOUSE BILL 411: Comm. of Indian Affairs Interim Appointments

2009-2010 General Assembly

Committee:	House Federal Relations and Indian Affairs	Date:	April 14, 2009
Introduced by:	Rep. Sutton	Prepared by:	Hal Pell
Analysis of:	First Edition		Committee Counsel

SUMMARY: *This act provides for the appointment of interim members to the Commission on Indian Affairs in the absence of appointment by the procedure provided by statute. This act becomes effective July 1, 2009.*

CURRENT LAW: Members of the Commission on Indian Affairs are appointed by the General Assembly and various State agencies, as well as selected by the tribes or groups designated by statute. The tribes or groups select a total of 21 members.

BILL ANALYSIS: This act provides that if the tribes or groups do not fill a vacant position, or any reason, then the Commission has the authority to appoint a tribe or group member until the position is filled in the normal manner. The interim appointee would serve until the new tribe or group member is selected.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

BACKGROUND: The Commission on Indian Affairs' duties include the following:

- To study, consider, accumulate, compile, assemble and disseminate information on any aspect of Indian affairs.
- To investigate relief needs of Indians of North Carolina and to provide technical assistance in the preparation of plans for the alleviation of such needs.
- To confer with appropriate officials of local, State and federal governments and agencies of these governments, and with such congressional committees that may be concerned with Indian affairs to encourage and implement coordination of applicable resources to meet the needs of Indians in North Carolina.
- To cooperate with and secure the assistance of the local, State and federal governments or any agencies thereof in formulating any such programs, and to coordinate such programs with any programs regarding Indian affairs adopted or planned by the federal government to the end that the State Commission of Indian Affairs secure the full benefit of such programs.
- To act as trustee for any interest in real property that may be transferred to the Commission for the benefit of State-recognized Indian tribes in accordance with a trust agreement approved by the Commission. The Commission shall not hold any interest in real property for the benefit of federally recognized Indian tribes.
- To review all proposed or pending State legislation and amendments to existing State legislation affecting Indians in North Carolina.

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Blue, Sutton (Chairs) for the Committee on FEDERAL RELATIONS
AND INDIAN AFFAIRS.

☐ Committee Substitute for

HB 412 A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TWO ADDITIONAL
MEMBERS OF THE ADVISORY COUNCIL ON INDIAN EDUCATION.

☒ With a favorable report as to the committee substitute bill, which changes the title,
unfavorable as to the original bill, and recommendation that the committee substitute bill be re-
referred to the Committee on APPROPRIATIONS.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 412
PROPOSED COMMITTEE SUBSTITUTE H412-PCS80340-RK-17

Short Title: Advisory Council on Indian Education.

(Public)

Sponsors:

Referred to:

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE ADVISORY COUNCIL ON INDIAN EDUCATION AND TO BROADLY INCLUDE STATE INDIAN TRIBES AND COMMUNITIES IN THE MEMBERSHIP.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-210.1 reads as rewritten:

"§ 115C-210.1. Membership – How appointed.

The Council shall consist of ~~15~~ 17 members, as follows:

- (1) Two legislative members (one senator appointed by the President Pro Tempore of the Senate and one representative appointed by the Speaker of the House);
- (2) Two Indian members from higher education to be appointed by the Board of Governors of the University system;
- (3) One Indian member from the North Carolina Commission on Indian Affairs to be appointed by that Commission;
- (4) ~~Eight~~ Nine Indian parents of students enrolled in public schools and ~~two~~ three Indian educators from public elementary/secondary schools to be appointed by the State Board of Education from a list submitted by the North Carolina Commission on Indian Affairs;
- (5) ~~Indian members of the Council shall be broadly representative of North Carolina Indian tribes and organizations, specifically, the Eastern Band of Cherokee, Lumbee, Coharie, Waccamaw-Siouan, Haliwa-Saponi, Meherrin, Person County Indians, Cumberland County Association for Indian People, the Guilford Native American Association, the Metrolina Native American Association, and any other Indian tribe gaining State recognition in the future.~~ Indian members of the Council shall be broadly representative of North Carolina Indian tribes and communities, and shall be selected from the tribal or community groups designated for the Indian members of the North Carolina State Commission on Indian Affairs, pursuant to G.S. 143B-407(a)."

SECTION 2. This act becomes effective July 1, 2009.



* H 4 1 2 - P C S 8 0 3 4 0 - R K - 1 7 *

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 412
PROPOSED COMMITTEE SUBSTITUTE H412-CSRK-17 [v.1]

4/14/2009 2:18:57 PM

Short Title: Advisory Council on Indian Education.

(Public)

Sponsors:

Referred to:

March 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE ADVISORY
3 COUNCIL ON INDIAN EDUCATION AND TO BROADLY INCLUDE STATE
4 INDIAN TRIBES AND COMMUNITIES IN THE MEMBERSHIP.

5 The General Assembly of North Carolina enacts:

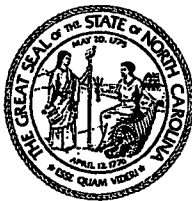
6 SECTION 1. G.S. 115C-210.1 reads as rewritten:

7 "§ 115C-210.1. Membership – How appointed.

8 The Council shall consist of ~~15~~ 17 members, as follows:

- 9 (1) Two legislative members (one senator appointed by the President Pro
10 Tempore of the Senate and one representative appointed by the Speaker of
11 the House);
12 (2) Two Indian members from higher education to be appointed by the Board of
13 Governors of the University system;
14 (3) One Indian member from the North Carolina Commission on Indian Affairs
15 to be appointed by that Commission;
16 (4) ~~Eight~~ Nine Indian parents of students enrolled in public schools and ~~two~~
17 ~~three~~ Indian educators from public elementary/secondary schools to be
18 appointed by the State Board of Education from a list submitted by the North
19 Carolina Commission on Indian Affairs;
20 (5) ~~Indian members of the Council shall be broadly representative of North~~
21 ~~Carolina Indian tribes and organizations, specifically, the Eastern Band of~~
22 ~~Cherokee, Lumbee, Coharie, Waccamaw-Siouan, Haliwa-Saponi, Meherrin,~~
23 ~~Person County Indians, Cumberland County Association for Indian People,~~
24 ~~the Guilford Native American Association, the Metrolina Native American~~
25 ~~Association, and any other Indian tribe gaining State recognition in the~~
26 ~~future.~~ Indian members of the Council shall be broadly representative of
27 North Carolina Indian tribes and communities, and shall be selected from the
28 tribal or community groups designated for the Indian members of the North
29 Carolina State Commission on Indian Affairs, pursuant to G.S. 143B-
30 407(a)."

31 SECTION 2. This act becomes effective July 1, 2009.



HOUSE BILL 412: Advisory Council on Indian Education

2009-2010 General Assembly

Committee:	House Federal Relations and Indian Affairs, if favorable, Appropriations	Date:	April 14, 2009
Introduced by:	Rep. Sutton	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H412-CSRK-17		Committee Counsel

SUMMARY: *This act adds two members to the State Advisory Council on Indian Education, and provides that the members are to be broadly representative of the same tribes and communities designated for Indian members of the State Commission on Indian Affairs. This act becomes effective July 1, 2009.*

BILL ANALYSIS: This act:

- Increases the membership of the State Advisory Council on Indian Education from 15 to 17 members. The number of Indian parents of children in public schools is increased from 8 to 9; the number of Indian educators for public elementary and secondary schools is increased from 2 to 3 members.
- Provides that the Indian members are broadly representative of the Indian tribes and communities set forth for Indian members of the Commission on Indian Affairs.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

BACKGROUND:

State Advisory Council on Indian Education: The duties of the Advisory Council include the following: advise the State Board of Education on ways to meet more effectively the educational needs of Indian students; advocate meaningful programs to reduce and eventually eliminate low achievement and concurrent high attrition rates among American Indian students; prepare an annual report on a fiscal year basis on the status of Indian education, said report to be presented to the State Board of Education and to the various Indian tribal organizations at the statewide Indian Unity Conference; and work closely with the Division of Indian Education in the Department of Public Instruction to improve coordination and communication between and among programs.

Commission on Indian Affairs, Indian membership: The Coharie of Sampson and Harnett Counties; the Eastern Band of Cherokees; the Haliwa Saponi of Halifax, Warren, and adjoining counties; the Lumbees of Robeson, Hoke and Scotland Counties; the Meherrin of Hertford County; the Waccamaw-Siouan from Columbus and Bladen Counties; the Sappony; the Occaneechi Band of the Saponi Nation of Alamance and Orange Counties, and the Native Americans located in Cumberland, Guilford, Johnston, Mecklenburg, Orange, and Wake Counties. The Coharie shall have two members; the Eastern Band of Cherokees, two; the Haliwa Saponi, two; the Lumbees, three; the Meherrin, one; the Waccamaw-Siouan, two; the Sappony, one; the Cumberland County Association for Indian People, two; the Guilford Native Americans, two; the Metrolina Native Americans, two; the Occaneechi Band of the Saponi Nation, one, the Triangle Native American Society, one.

H412-SMRK-47(CSRK-17) v1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 412

Short Title: Advisory Council on Indian Education. (Public)

Sponsors: Representatives Sutton; and Hughes.

Referred to: Federal Relations and Indian Affairs, if favorable, Appropriations.

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE ADVISORY
COUNCIL ON INDIAN EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-210.1 reads as rewritten:

"§ 115C-210.1. Membership – How appointed.

The Council shall consist of ~~15~~ 17 members, as follows:

- (1) Two legislative members (one senator appointed by the President Pro Tempore of the Senate and one representative appointed by the Speaker of the House);
- (2) Two Indian members from higher education to be appointed by the Board of Governors of the University system;
- (3) One Indian member from the North Carolina Commission on Indian Affairs to be appointed by that Commission;
- (4) ~~Eight~~ Nine Indian parents of students enrolled in public schools and ~~two~~ three Indian educators from public elementary/secondary schools to be appointed by the State Board of Education from a list submitted by the North Carolina Commission on Indian Affairs;
- (5) Indian members of the Council shall be broadly representative of North Carolina Indian tribes and organizations, specifically, the Eastern Band of Cherokee, Lumbee, Coharie, Waccamaw-Siouan, Haliwa Saponi, Meherrin, Person County Indians, Cumberland County Association for Indian People, the Guilford Native American Association, the Metrolina Native American Association, and any other Indian tribe gaining State recognition in the future."

SECTION 2. This act becomes effective July 1, 2009.



* H 4 1 2 - V - 1 *

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Blue, Sutton (Chairs) for the Committee on FEDERAL RELATIONS
AND INDIAN AFFAIRS.

☐ Committee Substitute for

HB 945 A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE NORTH
CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES ENSURES
ENFORCEMENT OF THE FEDERAL INDIAN CHILD WELFARE ACT.

☒ With a favorable report as to the committee substitute bill, unfavorable as to the original bill,
and recommendation that the committee substitute bill be re-referred to the Committee on
HEALTH.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ Pursuant to Rule 36(b), the (House/Senate) committee substitute bill/(joint) resolution
(No. _____) is placed on the Calendar of _____. (The original bill resolution No. _____)
is placed on the Unfavorable Calendar.

_____ The (House) committee substitute bill/(joint) resolution (No. _____) is re-referred to the
Committee on _____. (The original bill/resolution) (House/Senate Committee Substitute
Bill/(Joint) resolution No. _____) is placed on the Unfavorable Calendar.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 945
PROPOSED COMMITTEE SUBSTITUTE H945-PCS50552-RK-16**

Short Title: Enforce Federal Indian Child Welfare Act.

(Public)

Sponsors:

Referred to:

April 1, 2009

A BILL TO BE ENTITLED
AN ACT REQUIRING THAT THE NORTH CAROLINA DEPARTMENT OF HEALTH
AND HUMAN SERVICES ENSURES ENFORCEMENT OF THE FEDERAL INDIAN
CHILD WELFARE ACT.

Whereas, over the years, a number of federal policies impacting Native Americans have had a devastating effect on the preservation of the Indian family; and

Whereas, these policies caused reservation communities to be broken apart and forced Native American families away from the reservations into urban areas, isolating them from their community and extended families, who often served as a source of support; and

Whereas, based on nationwide studies conducted between 1969 and 1974, 25% to 35% of Indian children were removed from their homes and placed in non-Indian foster and adoptive homes by state courts and welfare agencies; and

Whereas, in 1978, the United States Congress heeded the call of the great Lakota leader, Sitting Bull, by passing the Indian Child Welfare Act, commonly known as ICWA; and

Whereas, ICWA is viewed as a requisite to eliminating the practice of state entities that tended to remove an inordinately large number of Native American children from their homes without full appreciation of traditional Native American culture, custom, and child-rearing practices; and

Whereas, North Carolina should adopt measures to ensure full implementation of ICWA for State-recognized Indian tribes and Indian organizations in relation to the care and custody of Indian children; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Division of Social Services of the Department of Health and Human Services shall ensure that local county departments of social services implement policies pursuant to the federal Indian Child Welfare Act. Policies implemented pursuant to this section shall:

- (1) Identify all children eligible under the Indian Child Welfare Act in any child welfare proceeding, including proceedings related to child custody, foster care, and adoption.
- (2) Ensure proper application of the federal Indian Child Welfare Act.
- (3) Ensure the family and tribe of a child eligible under the Indian Child Welfare Act have adequate notice of any child welfare proceeding throughout the legal process.



* H 9 4 5 - P C S 5 0 5 5 2 - R K - 1 6 *

1 The Division of Social Services shall collaborate with the American Indian Mothers, Inc., to
2 implement the requirements of this section.

3 **SECTION 2.** This act becomes effective July 1, 2009.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 945
PROPOSED COMMITTEE SUBSTITUTE H945-CSRK-16 [v.1]**

4/14/2009 2:11:32 PM

Short Title: Enforce Federal Indian Child Welfare Act.

(Public)

Sponsors:

Referred to:

April 1, 2009

**A BILL TO BE ENTITLED
AN ACT REQUIRING THAT THE NORTH CAROLINA DEPARTMENT OF HEALTH
AND HUMAN SERVICES ENSURES ENFORCEMENT OF THE FEDERAL INDIAN
CHILD WELFARE ACT.**

Whereas, over the years, a number of federal policies impacting Native Americans have had a devastating effect on the preservation of the Indian family; and

Whereas, these policies caused reservation communities to be broken apart and forced Native American families away from the reservations into urban areas, isolating them from their community and extended families, who often served as a source of support; and

Whereas, based on nationwide studies conducted between 1969 and 1974, 25% to 35% of Indian children were removed from their homes and placed in non-Indian foster and adoptive homes by state courts and welfare agencies; and

Whereas, in 1978, the United States Congress heeded the call of the great Lakota leader Sitting Bull by passing the Indian Child Welfare Act, commonly known as ICWA; and

Whereas, ICWA is viewed as a requisite to eliminating the practice of state entities that tended to remove an inordinately large number of Native American children from their homes without full appreciation of traditional Native American culture, custom, and child-rearing practices; and

Whereas, North Carolina should adopt measures to ensure full implementation of ICWA for State-recognized Indian tribes and Indian organizations in relation to the care and custody of Indian children; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Division of Social Services of the Department of Health and Human Services shall ensure that local county departments of social services implement policies pursuant to the federal Indian Child Welfare Act. Policies implemented pursuant to this section shall:

- (1) Identify all children eligible under the Indian Child Welfare Act in any child welfare proceeding, including proceedings related to child custody, foster care, and adoption.
- (2) Ensure proper application of the federal Indian Child Welfare Act.
- (3) Ensure the family and tribe of a child eligible under the Indian Child Welfare Act have adequate notice of any child welfare proceeding throughout the legal process.

1 The Division of Social Services shall collaborate with the American Indian Mothers, Inc., to
2 implement the requirements of this section:

3 **SECTION 2.** This act becomes effective July 1, 2009.



HOUSE BILL 945: Enforce Federal Indian Child Welfare Act

2009-2010 General Assembly

Committee:	House Federal Relations and Indian Affairs, if favorable, Health, if favorable, Appropriations	Date:	April 14, 2009
Introduced by:	Rep. Sutton	Prepared by:	Hal Pell
Analysis of:	PCS to First Edition H945-CSRK-16		Committee Counsel

SUMMARY: *This act directs the Division of Social Services of the Department of Health and Human Services to take action to ensure that federal policy under the Indian Child Welfare Act is implemented. This act becomes effective July 1, 2009.*

BILL ANALYSIS: This act requires the Division of Social Services of the Department of Health and Human Services to ensure that local county departments of social services implement policies pursuant to the federal Indian Child Welfare Act. The policies implemented shall:

- Identifying all children eligible under the Indian Child Welfare Act in any child welfare proceeding, including proceedings related to child custody, foster care, and adoption.
- Ensuring proper application of the federal Indian Child Welfare Act.
- Ensuring that the family and tribe of a child eligible under the Indian Child Welfare Act have adequate notice of any child welfare proceeding throughout the legal process.

EFFECTIVE DATE: This act becomes effective July 1, 2009.

BACKGROUND: The Indian Child Welfare Act (ICWA), passed by Congress in 1978, is a federal law which regulates placement proceedings involving Indian children. The purpose of the legislation was to re-establish tribal authority over the adoption of Native American children, with the goal of strengthening and preserving Native American families and culture. If the child is a member of a federally recognized tribe or eligible for membership in a federally recognized tribe, then the child has the right to protection under the ICWA. These rights apply to any child protective case, adoption, guardianships, termination of parental rights action, runaway/truancy matter, or voluntary placement of your children. The ICWA was created in 1978 by the federal government in order to re-establish tribal authority over the adoption of Native American children. The goal of the act when it passed in 1978 was to strengthen and preserve Native American families and culture. The ICWA sets minimum standards for the removal of Indian children from their homes. The ICWA requires that placement cases involving Indian children be heard in tribal courts if possible, and permits a child's tribe to be involved in state court proceedings. It requires testimony from expert witnesses who are familiar with Indian culture before a child can be removed from his/her home. If a child is removed, either for foster care or adoption, the law requires that Indian children be placed with extended family members, other tribal members, or other Indian families.

H945-SMRK-46(CSRK-16) v1

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 945

Short Title: Enforce Federal Indian Child Welfare Act. (Public)

Sponsors: Representatives Sutton; Jones and Wray.

Referred to: Federal Relations and Indian Affairs, if favorable, Health, if favorable, Appropriations.

April 1, 2009

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES ENSURES ENFORCEMENT OF THE FEDERAL INDIAN CHILD WELFARE ACT.

Whereas, over the years, a number of federal policies impacting Native Americans have had a devastating effect on the preservation of the Indian family; and

Whereas, these policies caused reservation communities to be broken apart and forced Native American families away from the reservations into urban areas, isolating them from their community and extended families, who often served as a source of support; and

Whereas, based on nationwide studies conducted between 1969 and 1974, 25% to 35% of Indian children were removed from their homes and placed in non-Indian foster and adoptive homes by state courts and welfare agencies; and

Whereas, in 1978, the United States Congress heeded the call of the great Lakota leader Sitting Bull by passing the Indian Child Welfare Act, commonly known as ICWA; and

Whereas, ICWA is viewed as a requisite to eliminating the practice of state entities that tended to remove an inordinately large number of Native American children from their homes without full appreciation of traditional Native American culture, custom, and child-rearing practices; and

Whereas, North Carolina should adopt measures to ensure full implementation of ICWA for State-recognized Indian tribes and Indian organizations in relation to the care and custody of Indian children; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. The Division of Social Services of the Department of Health and Human Services shall ensure that local county departments of social services implement policies pursuant to the federal Indian Child Welfare Act. Policies implemented pursuant to this section shall:

- (1) Identify all children eligible under the Indian Child Welfare Act in any child welfare proceeding, including proceedings related to child custody, foster care, and adoption.
- (2) Ensure proper application of the federal Indian Child Welfare Act.
- (3) Ensure the family and tribe of a child eligible under the Indian Child Welfare Act have adequate notice of any child welfare proceeding throughout the legal process.

The Division of Social Services shall collaborate with the American Indian Mothers, Inc., to implement the requirements of this section.



* H 9 4 5 - V - 1 *

1 **SECTION 2.** There is appropriated from the General Fund to the American Indian
2 Mothers, Inc., a nonprofit organization, the sum of four hundred thousand dollars (\$400,000)
3 for the 2009-2010 fiscal year to implement this act.

4 **SECTION 3.** This act becomes effective July 1, 2009.

FED. RELATIONS AND INDIAN AFFAIRS

APRIL 15, 2009

Date

NAME _____

[illegible]

FED. RELATIONS House Pages
AND INDIAN AFFAIRS

Name of Committee: _____ Date: APRIL 15, 2009

1. Name: Forrest Cherry ← Rose Soph.
County: Pitt
Sponsor: McLawhorn
2. Name: Joe Meyerson ← Gumkey Soph
County: Guilford
Sponsor: Jeffns
3. Name: _____
County: _____
Sponsor: _____
4. Name: _____
County: _____
Sponsor: _____
5. Name: _____
County: _____
Sponsor: _____

Sgt-At-Arms

1. Name: FRED HINES
2. Name: TOM WILDER
3. Name: GERALD PERRY
4. Name: _____

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2009-2010 SESSION**

You are hereby notified that the Committee on **Federal Relations and Indian Affairs** will meet as follows:

DAY & DATE: Wednesday, May 6, 2009

TIME: At The End of Session Today

LOCATION: House Chamber-Rep. Sutton's Desk

COMMENTS:

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 409	Annual Archaeology Reports.	Representative Sutton

Respectfully,
Representative Blue, Chair
Representative Sutton, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at
9:30 o'clock on May 06, 2009.

X ☐ Principal Clerk
X ☐ Reading Clerk – House Chamber

Jo Bobbitt (Committee Assistant)



FEDERAL RELATIONS AND INDIAN AFFAIRS COMMITTEE

May 6, 2009
After House Session

Minutes

The Federal Relations and Indian Affairs Committee met on Wednesday, May 6, 2009, after the House Session. The meeting was held in the House Chamber around Co-Chairman Ron Sutton's desk. The following members were present: Co-Chairman, Representative Sutton; Representatives Frye, Pierce, Brown, Gillespie, and West. A copy of the meeting notice is attached.

Vice-Chairman, Representative Frye presided at the meeting. He recognized Representative Sutton to explain **HB 409, an act to require all state agencies producing archaeological research to provide annual reports to the Commission on Indian Affairs**. After a brief discussion, Representative Yongue moved that the bill be given a favorable report and be re-referred to the Committee on State Government/State Personnel. The motion carried.

There being no further bills before the Committee, the meeting was adjourned.



Representative Ron Sutton, Co-Chairman

Representative Dan Blue, Co. Chairman



Jo Bobbitt, Committee Assistant

**2009 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

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

By Representative Blue, Sutton (Chairs) for the Committee on FEDERAL RELATIONS
AND INDIAN AFFAIRS.

☐ Committee Substitute for

HB 409 A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL STATE AGENCIES
PRODUCING ARCHAEOLOGICAL RESEARCH TO PROVIDE ANNUAL REPORTS TO
THE COMMISSION OF INDIAN AFFAIRS.

☒ With a favorable report and recommendation that the bill be re-referred to the Committee on
STATE GOVERNMENT/STATE PERSONNEL.

(FOR JOURNAL USE ONLY)

_____ Pursuant to Rule 32(a), the bill/resolution is re-referred to the Committee on
_____.

_____ The bill/resolution is re-referred to the Committee on _____.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

1

HOUSE BILL 409

Short Title: Annual Archaeology Reports. (Public)

Sponsors: Representative Sutton.

Referred to: Federal Relations and Indian Affairs, if favorable, State Government/State Personnel.

March 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE ALL STATE AGENCIES PRODUCING ARCHAEOLOGICAL
3 RESEARCH TO PROVIDE ANNUAL REPORTS TO THE COMMISSION OF INDIAN
4 AFFAIRS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 70 of the General Statutes is amended by adding a new
7 Article to read:

"Article 5.

"Annual Archaeological Reports.

10 "§ 70-55. Annual archaeological reports.

11 The Department of Cultural Resources, The University of North Carolina System, the
12 Department of Transportation, and all other State agencies that perform archaeological or
13 archaeologically-related functions for the State of North Carolina shall provide annual reports
14 of their archaeological research, including any findings and conclusions resulting from that
15 research, to the Commission of Indian Affairs. If practicable, the Department of Cultural
16 Resources may coordinate with the other State agencies to produce a single annual report under
17 this section."

18 SECTION 2. This act becomes effective July 1, 2009.

