

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 279

Short Title: GPAC/Transfer DOA Advocacy Groups.

(Public)

Sponsors: Senator Martin of Guilford.

Referred to: Government Performance Audit.

February 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT
2 PERFORMANCE AUDIT COMMITTEE TO TRANSFER DEPARTMENT OF
3 ADMINISTRATION ADVOCACY GROUPS TO THE OFFICE OF THE
4 GOVERNOR AND TO THE DEPARTMENT OF HUMAN RESOURCES.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Youth Advocacy and Involvement Office transfer. – All of the
8 powers, duties, and functions of the Youth Advocacy and Involvement Office are
9 transferred from the Department of Administration to the Office of the Governor. This
10 transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

11 Sec. 2. North Carolina Human Relations Commission transfer. – All of the
12 powers, duties, and functions of the North Carolina Human Relations Commission,
13 which is described in Part 9 of Article 9 of Chapter 143B of the General Statutes are
14 transferred from the Department of Administration to the Office of the Governor. This
15 transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

16 Sec. 3. North Carolina Council for Women transfer. – All of the powers,
17 duties, and functions of the North Carolina Council for Women, which is described in
18 Part 10 of Article 9 of Chapter 143B of the General Statutes, except for the powers,
19 duties, and functions that deal with the administration of grants for domestic violence
20 and sexual assault centers, are transferred from the Department of Administration to the
21 Office of the Governor. This transfer shall include all elements of a Type I transfer, as
22 defined in G.S. 143A-6.

23 All of the powers, duties, and functions of the North Carolina Council for
24 Women, which is described in Part 10 of Article 9 of Chapter 143B of the General

1 Statutes, that deal with the administration of grants for domestic violence and sexual
2 assault centers, are transferred from the Department of Administration to the
3 Department of Human Resources, Division of Social Services. This transfer shall
4 include all elements of a Type I transfer, as defined in G.S. 143A-6.

5 The Director of the Budget shall resolve all conflicts regarding the transfers
6 mandated by this section.

7 Sec. 4. Veterans' Affairs Commission transfer. – All of the powers, duties,
8 and functions of the Veterans' Affairs Commission, which is described in Part 13 of
9 Article 9 of Chapter 143B of the General Statutes, are transferred from the Department
10 of Administration to the Office of the Governor. This transfer shall include all elements
11 of a Type I transfer, as defined in G.S. 143A-6.

12 Sec. 5. Governor's Advocacy Council for Persons with Disabilities transfer. –
13 All of the powers, duties, and functions of the Governor's Advocacy Council for
14 Persons with Disabilities, which is described in Part 14A of Article 9 of Chapter 143B
15 of the General Statutes, except the powers, duties, and functions for the programs that
16 deal with assisting the disabled in obtaining housing, employment, and other services,
17 are transferred from the Department of Administration to the Office of the Governor.
18 This transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

19 All of the powers, duties, and functions of the Governor's Advocacy Council
20 for Persons with Disabilities, which is described in Part 14A of Article 9 of Chapter
21 143B of the General Statutes, that deal with assisting the disabled in obtaining housing,
22 employment, and other services, are transferred from the Department of Administration
23 to the Department of Human Resources, Vocational Rehabilitation Program. This
24 transfer shall include all elements of a Type I transfer, as defined in G.S. 143A-6.

25 The Director of the Budget shall resolve all conflicts regarding the transfers
26 mandated by this section.

27 Sec. 6. North Carolina State Commission of Indian Affairs transfer. – All of
28 the powers, duties, and functions of the North Carolina State Commission of Indian
29 Affairs described in Part 15 of Article 9 of Chapter 143B of the General Statutes, are
30 transferred from the Department of Administration to the Office of the Governor. This
31 transfer shall include all elements of a Type II transfer, as defined in G.S. 143A-6.

32 Sec. 7. Part 9 of Article 9 of Chapter 143B of the General Statutes, consisting
33 of G.S. 143B-391 and G.S. 143B-392, is recodified and reads as rewritten:

34 **~~PART 9. NORTH CAROLINA HUMAN RELATIONS COMMISSION.~~**
35 **~~§ 143Br Commission – creation; powers and duties.~~**

36 There is hereby created the North Carolina Human Relations Commission of the
37 ~~Department of Administration.~~ Office of the Governor. The North Carolina Human
38 Relations Commission shall have the following functions and duties:

- 39 (1) To study problems concerning human relations;
- 40 (2) To promote equality of opportunity for all citizens;
- 41 (3) To promote understanding, respect, and goodwill among all citizens;
- 42 (4) To provide channels of communication among the races;
- 43 (5) To encourage the employment of qualified people without regard to
44 race;

- 1 (6) To encourage youths to become better trained and qualified for
2 employment;
- 3 (7) To receive on behalf of the ~~Department of Administration~~ Office of the
4 Governor and to recommend expenditure of gifts and grants from
5 public and private donors;
- 6 (8) To enlist the cooperation and assistance of all State and local
7 government officials in the attainment of the objectives of the
8 Commission;
- 9 (9) To assist local good neighborhood councils and biracial human
10 relations committees in promoting activities related to the functions of
11 the Commission enumerated above;
- 12 (10) To advise the ~~Secretary of Administration~~ Governor upon any matter the
13 ~~Secretary may refer~~ referred to it;
- 14 (11) To administer the provisions of the State Fair Housing Act as outlined
15 in Chapter 41A of the General Statutes;
- 16 (12) To administer the provisions of Chapter 99D of the General Statutes.

17 **"§ 143BG Commission – members; selection; quorum; compensation.**

18 (a) The Human Relations Commission of the ~~Department of Administration~~ Office
19 of the Governor shall consist of 20 members. The Governor shall appoint one member
20 from each of the 11 congressional districts, plus five members at large, including the
21 chairperson. The Speaker of the North Carolina House of Representatives shall appoint
22 two members to the Commission. The Lieutenant Governor shall appoint two members
23 to the Commission. The terms of four of the members appointed by the Governor shall
24 expire June 30, 1988. The terms of four of the members appointed by the Governor
25 shall expire June 30, 1987. The terms of four of the members appointed by the
26 Governor shall expire June 30, 1986. The terms of four of the members appointed by
27 the Governor shall expire June 30, 1985. The terms of the members appointed by the
28 Speaker of the North Carolina House of Representatives shall expire June 30, 1986.
29 The terms of the members appointed by the Lieutenant Governor shall expire June 30,
30 1986. At the end of the respective terms of office of the initial members of the
31 Commission, the appointment of their successors shall be for terms of four years. No
32 member of the commission shall serve more than two consecutive terms. A member
33 having served two consecutive terms shall be eligible for reappointment one year after
34 the expiration of his second term. Any appointment to fill a vacancy on the
35 Commission created by the resignation, dismissal, death, or disability of a member shall
36 be filled in the manner of the original appointment for the unexpired term.

37 (b) Members of the Commission shall receive per diem and necessary travel and
38 subsistence expenses in accordance with the provisions of G.S. 138-5.

39 (c) A majority of the Commission shall constitute a quorum for the transaction of
40 business.

41 (d) All clerical and support services required by the Commission shall be
42 supplied by the ~~Secretary of the Department of Administration~~ Office of the Governor."

43 Sec. 8. Part 10 of Article 9 of Chapter 143B of the General Statutes,
44 consisting of G.S. 143B-393 and G.S. 143B-394, is recodified and reads as rewritten:

"PART 10. NORTH CAROLINA COUNCIL FOR WOMEN.**"§ 143B*creation; powers and duties.**

There is hereby created the North Carolina Council for Women of the ~~Department of Administration~~Office of the Governor. The North Carolina Council for Women shall have the following functions and duties:

- (1) To advise the Governor, the principal State departments, and the State legislature concerning the education and employment of women in the State of North Carolina; and
- (2) To advise the ~~Secretary of Administration~~Governor upon any matter ~~the Secretary may refer~~referred to it; and
- (3) To establish programs for the assistance of displaced homemakers as set forth in Part 10B of this Article.

"§ 143Btmembers; selection; quorum; compensation.

The North Carolina Council for Women of the ~~Department of Administration~~Office of the Governor shall consist of 20 members appointed by the Governor. The initial members of the Council shall be the appointed members of the North Carolina Council for Women, three of whose appointments expire June 30, 1977, and four of whose appointments expire June 30, 1978. Thirteen additional members shall be appointed in 1977, six of whom shall serve terms expiring June 30, 1978, and seven of whom shall serve terms expiring June 30, 1979. At the ends of the respective terms of office of the initial members of the Council and of the 13 members added in 1977, the appointment of their successors shall be for terms of two years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term. Members of the Council shall be representative of age, sex, ethnic and geographic backgrounds.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Council to serve as chairman at the pleasure of the Governor.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of business.

All clerical and other services required by the Council shall be supplied by the ~~Secretary of Administration~~Office of the Governor."

Sec. 9. Part 13 of Article 9 of Chapter 143B of the General Statutes, consisting of G.S. 143B-399, 143B-400, and 143B-401, is recodified and reads as rewritten:

"PART 13. VETERANS' AFFAIRS COMMISSION.**"§ 143B"creation, powers and duties.**

There is hereby created the Veterans' Affairs Commission of the ~~Department of Administration~~Office of the Governor. The Veterans' Affairs Commission shall have the following functions and duties:

- 1 (1) To advise the Governor on matters relating to the affairs of veterans in
2 North Carolina;
- 3 (2) To maintain a continuing review of the operation and budgeting of
4 existing programs for veterans and their dependents in the State and to
5 make any recommendations to the Governor for improvements and
6 additions to such matters to which the Governor shall give due
7 consideration;
- 8 (3) To serve collectively as a liaison between the Division of Veterans
9 Affairs and the veterans organizations represented on the Commission;
- 10 (4) To promulgate rules and regulations concerning the awarding of
11 scholarships for children of North Carolina veterans as provided by
12 Article 4 of Chapter 165 of the General Statutes of North Carolina.
13 The Commission shall make rules and regulations consistent with the
14 provisions of this Chapter. All rules and regulations not inconsistent
15 with the provisions of this Chapter heretofore adopted by the State
16 Board of Veterans' Affairs shall remain in full force and effect unless
17 and until repealed or superseded by action of the Veterans Affairs
18 Commission. All rules and regulations adopted by the Commission
19 shall be enforced by the Division of Veterans' Affairs;
- 20 (4a) To promulgate rules concerning the awarding of the North Carolina
21 Services Medal to all veterans who have served in any period of war as
22 defined in 38 U.S.C. § 101. The award shall be self-financing; those
23 who wish to be awarded the medal shall pay a fee to cover the
24 expenses of producing the medal and awarding the medal. All rules
25 adopted by the Commission with respect to the North Carolina
26 Services Medal shall be implemented and enforced by the Division of
27 Veterans' Affairs; and
- 28 (5) To advise the Governor on any matter the Governor may refer to it.

29 **~~§ 143B~~members; selection; quorum; compensation.**

30 The Veterans' Affairs Commission of the ~~Department of Administration~~ Office of the
31 Governor shall consist of one voting member from each congressional district, all of
32 whom shall be veterans, appointed by the Governor for four-year terms. In making these
33 appointments, the Governor shall insure that both major political parties will be
34 continuously represented on the Veterans' Affairs Commission.

35 The initial members of the Commission shall be the appointed members of the
36 current Veterans' Affairs Commission who shall serve for the remainder of their current
37 terms and six additional members appointed by the Governor for terms expiring June
38 30, 1981. Thereafter, all members shall be appointed for terms of four years. Any
39 appointment to fill a vacancy on the Commission created by the resignation, dismissal,
40 death or disability of a member shall be for the balance of the unexpired term. The
41 Governor shall have the power to remove any member of the Commission in
42 accordance with provisions of G.S. 143B-13.

43 In the event that more than 11 congressional districts are established in the State, the
44 Governor shall on July 1 following the establishment of such additional congressional

1 districts appoint a member of the Commission from that congressional district. If on
2 July 1, 1977, or at any time thereafter due to congressional redistricting, two or more
3 members of the Veterans' Affairs Commission shall reside in the same congressional
4 district then such members shall continue to serve as members of the Commission for a
5 period equal to the remainder of their current terms on the Commission provided that
6 upon the expiration of said term or terms the Governor shall fill such vacancy or
7 vacancies in such a manner as to insure that as expeditiously as possible there is one
8 member of the Veterans' Affairs Commission who is a resident of each congressional
9 district in the State.

10 The Governor shall designate from the membership of the Commission a chairman
11 and vice-chairman of the Commission who shall serve at the pleasure of the Governor.
12 ~~The Secretary of the Department of Administration or his designee shall serve as secretary of~~
13 ~~the Commission.~~

14 Members of the Commission shall receive per diem and necessary travel and
15 subsistence expenses in accordance with provisions of G.S. 138-5.

16 A majority of the Commission shall constitute a quorum for the transaction of
17 business.

18 The Veterans' Affairs Commission shall meet at least twice a year and may hold
19 special meetings at any time or place within the State at the call of the chairman, at the
20 call of the ~~Secretary of the Department of Administration~~ Governor or upon the written
21 request of at least six members.

22 All clerical and other services required by the Commission shall be provided by the
23 ~~Secretary of the Department of Administration~~ Office of the Governor.

24 **"§ 143Bâ€ Committee – members; compensation.**

25 The department commander or official head of each veterans' organization which
26 has been chartered by an act of the United States Congress and which is legally
27 constituted and operating in this State pursuant to said charter shall constitute an
28 Advisory Committee to the Veterans' Affairs Commission. Members of the Veterans'
29 Affairs Commission Advisory Committee shall receive per diem and necessary travel
30 and subsistence expenses in accordance with the provisions of G.S. 138-5."

31 Sec. 10. Part 14A of Article 9 of Chapter 143B of the General Statutes,
32 consisting of G.S. 143B-403.1 and G.S. 143B-403.2, is recodified and reads as
33 rewritten:

34 **"PART 14A.**

35 **"GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH**
36 **DISABILITIES.**

37 **"§ 143BoPersons with Disabilities – creation; powers and duties.**

38 There is hereby created the Governor's Advocacy Council for Persons with
39 Disabilities of the ~~Department of Administration~~ Office of the Governor. The Council
40 shall have the following functions and duties:

- 41 (1) To provide for a statewide protection and advocacy program in
42 accordance with the Developmental Disabilities Assistance and Bill
43 of Rights Act, 42 U.S.C. § 6000, **et seq.**, and Public Law 99-319,
44 as amended, the Protection and Advocacy for the Mentally Ill Act

1 of 1988. In accordance with this Act, the Council shall, among
2 other things, investigate complaints made by or on behalf of
3 incompetent developmentally or mentally disabled persons who
4 reside in facilities for the developmentally or mentally disabled
5 who have no legal guardian or whose guardian is the State or a
6 State designee. Where such a complaint is made to the Council, the
7 Council shall have access to the individual who is the subject of the
8 complaint, and to the records of such individual; provided that an
9 allegedly incompetent client who has no guardian who, in the
10 opinion of the facility director, is competent shall have the
11 opportunity prior to disclosure to deny access to his individual
12 records by making a specific objection to disclosure to the Council.
13 The Council shall keep client information confidential in
14 accordance with 42 U.S.C. § 6000 and implementing rules and
15 regulations, including 45 C.F.R. Part 1386. The Council's authority
16 under this subdivision shall override any contrary provisions of
17 State law and shall apply as long as the Council is designated by
18 the Governor as the Protection and Advocacy Agency under 42
19 U.S.C. § 6000.

- 20 (2) To pursue legal, administrative, or other appropriate remedies to
21 insure the protection of the rights of all developmentally, mentally,
22 physically, emotionally and otherwise disabled persons who are
23 receiving treatment, services, or habilitation from any State, local,
24 or area program;
- 25 (3) To review and recommend changes in all laws, rules, regulations,
26 programs and policies of this State or any agency or subdivision
27 thereof to insure the rights of the developmentally, mentally,
28 physically, emotionally and otherwise disabled persons are
29 safeguarded;
- 30 (4) To investigate complaints concerning the violation of the rights of
31 the developmentally, mentally, physically, emotionally and
32 otherwise disabled persons and to take appropriate action;
- 33 (5) To contract with public agencies or private nonprofit corporations
34 to fulfill any of the functions and duties provided for in
35 subdivisions (2) and (6) and government funded programs;
- 36 (6) To aid and assist local advocacy program and the advocacy
37 programs in mental retardation centers, psychiatric hospitals,
38 training schools, and alcoholic rehabilitation centers;
- 39 (7) To perform such other functions as are necessary to protect the
40 rights of the developmentally, mentally, physically, emotionally
41 and otherwise disabled or as may be assigned by the ~~Secretary of~~
42 ~~Administration; Office of the Governor;~~
- 43 (8) To advise and assist the ~~Department of Administration; Office of the~~
44 ~~Governor~~ on the continuing program to promote the employment of

1 the physically, mentally, emotionally, and otherwise handicapped
 2 citizens of North Carolina by creating statewide interest in the
 3 rehabilitation and employment of the handicapped, and by
 4 obtaining and maintaining cooperation with all public and private
 5 groups and individuals in this field;

6 (9) To work in close cooperation with the President's Committee on
 7 the Employment of People with Disabilities to carry out more
 8 effectively the purpose of Article 29A of Chapter 143 of the
 9 General Statutes, and with State and federal agencies having
 10 responsibilities for employment and rehabilitation of the
 11 handicapped;

12 (10) To promote and encourage the holding of appropriate ceremonies
 13 throughout the State during the 'National Disability Employment
 14 Awareness Month,' the purpose of which ceremony shall be to
 15 enlist public support for interest in the employment of the
 16 developmentally, mentally, physically, emotionally and otherwise
 17 disabled; ~~and~~

18 (10a) To initiate public awareness projects and to make
 19 recommendations to the Governor concerning broad policies
 20 pertaining to rehabilitation for disabled persons; and

21 (11) The Council shall advise ~~the Secretary of Administration~~ Governor
 22 upon any matter ~~the Secretary may refer~~ referred to it.

23 **"§ 143BâPersons with Disabilities – members; selection; quorum; compensation.**

24 (a) The Governor's Advocacy Council for Persons with Disabilities of the
 25 ~~Department of Administration~~ Office of the Governor shall consist of 21 members,
 26 appointed as follows:

27 (1) Seven members appointed by the Governor;

28 (2) Seven members appointed by the General Assembly upon the
 29 recommendation of the President of the Senate;

30 (3) Seven members appointed by the General Assembly upon the
 31 recommendation of the Speaker of the House of Representatives.

32 (b) Of the members appointed to the Council, at least 12 shall be disabled
 33 persons or family members of disabled persons, with representation as follows:

34 (1) One representative of persons associated with substance abuse, one
 35 representative of persons with sensory impairment, one
 36 representative of persons with physical disabilities, one person who
 37 shall serve as Chair of the Protection and Advocacy for the
 38 Mentally Ill Advisory Committee of the Governor's Advocacy
 39 Council for Persons with Disabilities, to be appointed by the
 40 Governor;

41 (2) One representative of persons with mental retardation, one
 42 representative of persons with developmental disabilities, one
 43 representative of persons with mental illness and one representative

1 of persons with sensory impairment, to be appointed upon
2 recommendation of the President of the Senate; and

- 3 (3) One representative of persons with mental retardation, one
4 representative of persons with developmental disabilities, one
5 representative of persons with mental illness, and one
6 representative of persons with physical disabilities, to be appointed
7 upon recommendation of the Speaker of the House of
8 Representatives.

9 Appointments to the Council under the provisions of this subsection shall be made
10 after consultation with and consideration of recommendations from statewide advocacy
11 and membership organizations associated with persons covered by the federal
12 Developmental Disabilities Assistance and Bill of Rights and the Protection and
13 Advocacy for Mentally Ill Individuals Act.

14 (c) Members appointed to fit the representative categories shall be initially
15 appointed as terms expire and as vacancies occur, until all categories are filled.
16 Vacancies in appointments made by the General Assembly shall be filled in accordance
17 with G.S. 120-122. An administrator in any branch of State government that delivers
18 services to persons with disabilities is not eligible for membership on the Council.

19 (d) The initial term for three of the members appointed by the Governor shall be
20 two years. The initial term for the remaining members appointed by the Governor shall
21 be four years. At the end of the respective terms of office of the initial members of the
22 Council, the appointment of all members shall be for terms of four years and until their
23 successors are appointed and qualify. Any appointment to fill a vacancy on the Council
24 created by the resignation, dismissal, death, or disability of a member shall be filled
25 within 60 days after the date on which the vacancy occurs and shall be for the balance
26 of the unexpired term. The initial members appointed by the General Assembly shall
27 serve for terms to expire June 30, 1993. Subsequently, members appointed by the
28 General Assembly shall serve two-year terms beginning July 1, 1993, and biennially
29 thereafter.

30 The Governor may remove any member of the Council appointed by the Governor.

31 The Governor shall designate one member of the Council to serve as chair and one
32 member to serve as vice-chair.

33 Members of the Council shall receive per diem and necessary travel and subsistence
34 expenses in accordance with the provisions of G.S. 138-5.

35 A majority of the Council shall constitute a quorum for the transaction of business.

36 All clerical and other services required by the Council shall be supplied by the
37 ~~Secretary of Administration-Office of the Governor.~~"

38 Sec. 11. Part 15 of Article 9 of Chapter 143B of the General Statutes,
39 consisting of G.S. 143B-404 through G.S. 143B-411, is recodified and reads as
40 rewritten:

41 ~~"PART 15. NORTH CAROLINA STATE COMMISSION OF INDIAN~~
42 ~~AFFAIRS.~~

43 ~~"§ 143B-Indian Affairs – creation; name.~~

1 There is hereby created and established the North Carolina State Commission of
2 Indian Affairs. The Commission shall be administered under the direction and
3 supervision of the ~~Department of Administration~~ Office of the Governor pursuant to G.S.
4 143A-6(b) and (c).

5 **~~§ 143Ba~~ Indian Affairs – purposes for creation.**

6 The purposes of the Commission shall be to deal fairly and effectively with Indian
7 affairs; to bring local, State, and federal resources into focus for the implementation or
8 continuation of meaningful programs for Indian citizens of the State of North Carolina;
9 to provide aid and protection for Indians as needs are demonstrated; to prevent undue
10 hardships; to assist Indian communities in social and economic development; and to
11 promote recognition of and the right of Indians to pursue cultural and religious
12 traditions considered by them to be sacred and meaningful to Native Americans.

13 **~~§ 143B~~ Indian Affairs – duties; use of funds.**

14 It shall be the duty of the Commission to study, consider, accumulate, compile,
15 assemble and disseminate information on any aspect of Indian affairs; to investigate
16 relief needs of Indians of North Carolina and to provide technical assistance in the
17 preparation of plans for the alleviation of such needs; to confer with appropriate
18 officials of local, State and federal governments and agencies of these governments, and
19 with such congressional committees that may be concerned with Indian affairs to
20 encourage and implement coordination of applicable resources to meet the needs of
21 Indians in North Carolina; to cooperate with and secure the assistance of the local, State
22 and federal governments or any agencies thereof in formulating any such programs, and
23 to coordinate such programs with any programs regarding Indian affairs adopted or
24 planned by the federal government to the end that the State Commission of Indian
25 Affairs secure the full benefit of such programs; to review all proposed or pending State
26 legislation and amendments to existing State legislation affecting Indians in North
27 Carolina; to conduct public hearings on matters relating to Indian affairs and to
28 subpoena any information or documents deemed necessary by the Commission; to study
29 the existing status of recognition of all Indian groups, tribes and communities presently
30 existing in the State of North Carolina; to establish appropriate procedures to provide
31 for legal recognition by the State of presently unrecognized groups; to provide for
32 official State recognition by the Commission of such groups; and to initiate procedures
33 for their recognition by the federal government.

34 **~~§ 143B~~ Indian Affairs – membership; term of office; chairman; compensation.**

35 (a) The State Commission of Indian Affairs shall consist of two persons
36 appointed by the General Assembly, the Secretary of Human Resources, the Director of
37 the State Employment Security Commission, the Secretary of Administration, the
38 Secretary of Environment, Health, and Natural Resources, the Commissioner of Labor
39 or their designees and 18 representatives of the Indian community. These Indian
40 members shall be selected by tribal or community consent from the Indian groups that
41 are recognized by the State of North Carolina and are principally geographically located
42 as follows: the Coharie of Sampson and Harnett Counties; the Eastern Band of
43 Cherokees; the Haliwa of Halifax, Warren, and adjoining counties; the Lumbees of
44 Robeson, Hoke and Scotland Counties; the Meherrin of Hertford County; the

1 Waccamaw-Siouan from Columbus and Bladen Counties; and the Native Americans
2 located in Cumberland, Guilford and Mecklenburg Counties. The Coharie shall have
3 two members; the Eastern Band of Cherokees, two; the Haliwa, two; the Lumbees,
4 three; the Meherrin, one; the Waccamaw-Siouan, two; the Cumberland County
5 Association for Indian People, two; the Guilford Native Americans, two; the Metrolian
6 Native Americans, two. Of the two appointments made by the General Assembly, one
7 shall be made upon the recommendation of the Speaker, and one shall be made upon
8 recommendation of the President of the Senate. Appointments by the General
9 Assembly shall be made in accordance with G.S. 120-121 and vacancies shall be filled
10 in accordance with G.S. 120-122.

11 (b) Members serving by virtue of their office within State government shall serve
12 so long as they hold that office. Members representing Indian tribes and groups shall be
13 elected by the tribe or group concerned and shall serve for three-year terms except that
14 at the first election of Commission members by tribes and groups one member from
15 each tribe or group shall be elected to a one-year term, one member from each tribe or
16 group to a two-year term, and one member from the Lumbees to a three-year term.
17 Thereafter, all Commission members will be elected to three-year terms. All members
18 shall hold their offices until their successors are appointed and qualified. Vacancies
19 occurring on the Commission shall be filled by the tribal council or governing body
20 concerned. Any member appointed to fill a vacancy shall be appointed for the
21 remainder of the term of the member causing the vacancy. The Governor shall appoint
22 a chairman of the Commission from among the Indian members of the Commission,
23 subject to ratification by the full Commission. The initial appointments by the General
24 Assembly shall expire on June 30, 1983. Thereafter, successors shall serve for terms of
25 two years.

26 (c) Commission members who are seated by virtue of their office within the State
27 government shall be compensated at the rate specified in G.S. 138-6. Commission
28 members who are members of the General Assembly shall be compensated at the rate
29 specified in G.S. 120-3.1. Indian members of the commission shall be compensated at
30 the rate specified in G.S. 138-5.

31 ~~"§ 143Bt~~**Indian Affairs – meetings; quorum; proxy vote.**

32 (a) The Commission shall meet quarterly, and at any other such time that it shall
33 deem necessary. Meetings may be called by the chairman or by a petition signed by a
34 majority of the members of the Commission. Ten days' notice shall be given in writing
35 prior to the meeting date.

36 (b) Simple majority of the Indian members of the Commission must be present to
37 constitute a quorum.

38 (c) Proxy vote shall not be permitted.

39 ~~"§ 143Bo~~**Indian Affairs – reports.**

40 The Commission shall prepare a written annual report giving an account of its
41 proceedings, transactions, findings, and recommendations. This report shall be
42 submitted to the Governor and the legislature. The report will become a matter of public
43 record and will be maintained in the State Historical Archives. It may also be furnished
44 to such other persons or agencies as the Commission may deem proper.

1 ~~"§ 143B-~~**Indian Affairs – fiscal records; clerical staff.**

2 Fiscal records shall be kept by the ~~Secretary of Administration.~~ Office of the
3 Governor. The audit report will become a part of the annual report and will be submitted
4 in accordance with the regulations governing preparation and submission of the annual
5 report.

6 ~~"§ 143B-411.~~ **§ 143A-18.68. North Carolina State Commission of Indian Affairs –**
7 **executive director; employees.**

8 The Commission may, subject to legislative or other funds that would accrue to the
9 Commission, employ an executive director to carry out the day-to-day responsibilities
10 and business of the Commission. The executive director shall serve at the pleasure of
11 the Commission. The executive director, also subject to legislative or other funds that
12 would accrue to the Commission, may hire additional staff and consultants to assist in
13 the discharge of his responsibilities, as determined by the Commission. The executive
14 director shall not be a member of the Commission, and shall be of Indian descent."

15 Sec. 12. This act becomes effective July 1, 1993.