



2015-2016 General Assembly

HOUSE BILL 805: Measurability Assessments/Budget Technical Corrections, Sec. 2.4: County Services Provided to Tribal Lands

Committee:	Date:	August 1, 2016
Introduced by:	Prepared by:	Bill Patterson Staff Attorney
Analysis of:	Sec. 2.4 of S.L. 2016-123	

OVERVIEW: *Sec. 2.4 of S.L. 2016-123 requires counties to provide, on lands held in trust by the United States for the Eastern Band of Cherokee Indians ("tribal lands"), public health or human services traditionally provided by county agencies and not otherwise assumed by the Eastern Band of Cherokee Indians, regardless of whether the county has entered into an agreement with the Eastern Band of Cherokee Indians to provide such services.*

This section also provides that any agreement between the Eastern Band of Cherokee Indians and a county for provision of county services on tribal lands:

- *Need not describe any compensation for services provided;*
- *Must be approved by the Principal Chief of the Eastern Band of Cherokee Indians, rather than by the Tribal Council; and*
- *Must be signed by the county manager or delegated department head, rather than by the chair of the board of county commissioners on behalf of the county manager.*

This section became effective August 1, 2016.

BILL ANALYSIS:

Under the law prior to the enactment of this section, a county was not required to provide services on tribal lands in the absence of an agreement between the county and the Eastern Band of Cherokee Indians approved by its Tribal Council and signed by its Principal Chief, and signed by the chair of the board of county commissioners on behalf of the county manager. In addition, the agreement was required to describe any compensation for the services provided by the county.

Sec. 2.4 of the act provides that a county must provide on tribal lands public health or human services traditionally provided by county agencies and not otherwise assumed by the Eastern Band of Cherokee Indians, regardless of whether there is an agreement between a county and the tribal authorities for the provision of these services. In addition, Sec. 2.4 permits any agreement for the provision of county services on tribal land to omit a description of any compensation to be paid for the services provided, requires the agreement to be approved by the Principal Chief of the Eastern Band of Cherokee Indians rather than by its Tribal Council, and requires the agreement to be signed by the county manager or delegated department head rather than by the chair of the board of county commissioners on behalf of the county manager.

EFFECTIVE DATE: Sec. 2.4 of the act became effective August 1, 2016.

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Legislative Analysis
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