



# HOUSE BILL 92: Cherokee Reg. Plate/Teaching Agreement.

2017-2018 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	June 6, 2018
<b>Introduced by:</b>	Reps. Torbett, Stone	<b>Prepared by:</b>	Cindy Avrette Staff Attorney
<b>Analysis of:</b>	Fourth Edition		

**OVERVIEW:** *House Bill 92 would do two things:*

- *Authorize the Division of Motor Vehicles (DMV) to produce a special registration plate for the Eastern Band of Cherokee Indians, a federally recognized tribe.*
- *Create a licensure exception for Cherokee language and culture instruction.*

### SPECIAL REGISTRATION PLATE FOR THE EASTERN BAND OF CHEROKEE INDIANS

**CURRENT LAW:** The General Assembly established a process for establishing a special plate that became effective October 1, 2014. An organization seeking a plate must collect the minimum number of applications<sup>1</sup> and submit a special plate application to the Division of Motor Vehicles (DMV). Each year, by March 15, DMV must send the Transportation and Finance chairs of both houses a list of the applicant-organizations. The General Assembly may approve, disapprove, or take no action on a bill authorizing a particular plate. If the General Assembly approves the plate, the organization has 60 days to submit its artwork and list of purchasers to DMV, and DMV has six months to develop the plate.

As a general rule, the fee for a special registration plate is the regular vehicle registration fee, which is \$36, plus a special registration plate fee of at least \$10.<sup>2</sup> \$10 of the special registration plate fee is credited to the Special Registration Plate Account.<sup>3</sup> There are several military-related special plates that are exempt from the additional \$10 fee.<sup>4</sup>

**BILL ANALYSIS:** House Bill 92 would require DMV to issue a special registration plate to any members of the Eastern Band of Cherokee Indians who present to the Division a tribal identification card. These special registration plates would be subject to the regular motor vehicle registration fee in G.S. 20-87 or G.S. 20-88, but the plates would not be subject to any additional fees. This special plate will be the first special plate that is exempt from the additional fee that is not military-related. The plate would not be subject to the special plate approval process, and as such would not be subject to the minimum number of applications for issuance.

<sup>1</sup> 300 applications for a special registration plate on a standard background; and 500 applications for a special registration plate on a non-standard background.

<sup>2</sup> The cost of some special plates includes a fee in addition to the \$10 special registration plate fee. In those instances, the first \$10 goes to the special registration plate fund and the remainder is transferred quarterly to designated beneficiaries of the additional fee amount.

<sup>3</sup> After deducting the cost of the plates from this account, \$1.3 million is appropriated to provide operating assistance for Visitor Centers. Fifty percent (50%) of the remaining revenue is transferred quarterly to the Department of Transportation for highway beautification and the remainder is transferred quarterly to the Highway Fund to be used for the Roadside Vegetation Management Program.

<sup>4</sup> There are five special plates that are free of charge from both the registration fee and the \$10 additional fee: Legion of Valor, 100% Disabled Veteran, Ex-Prisoner of War, Bronze Star Valor, and a Silver Star.

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# House Bill 92

Page 2

## **LICENSURE EXCEPTION FOR CHEROKEE LANGUAGE AND CULTURE INSTRUCTION**

**CURRENT LAW:** G.S. 115C-295 requires all public school teachers to either hold or be qualified to hold a North Carolina teaching license issued by the State Board of Education.

**BILL ANALYSIS:** House Bill 92 would create a process through which an individual could teach Cherokee language and culture classes without a teaching license issued by the State Board of Education. The State Board of Education would be required to enter into a memorandum of understanding (MOU) with the Eastern Band of Cherokee Indians. The MOU would identify the criteria an individual must meet to be approved to teach Cherokee language and culture classes. Such an MOU must include the following:

- Requirements for approval of individuals employed under this provision, including a requirement that the individual has demonstrated mastery of the Cherokee language through a credential issued by the Eastern Band of Cherokee Indians.
- A three-year approval period, which may be renewed, for individuals employed under this section.
- Authority of the Superintendent of Public Instruction or the Superintendent's designee to approve and renew approval of individuals employed under this section, subject to the requirements of the MOU.
- Requirements for renewing approval of individuals employed under this provision after three years.
- A clear statement that an individual authorized to teach pursuant to this provision shall not be permitted to provide instruction in other content areas unless the individual possesses a license issued in accordance with G.S. 115C-270.20.

**EFFECTIVE DATE:** This act would be effective when it becomes law.