

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 517

Short Title: Indian Cultural Center Fund-Raising.

(Public)

Sponsors: Representatives Sutton, Yongue, Bonner; and Warner.

Referred to: State Government.

March 17, 1997

A BILL TO BE ENTITLED

1
2 **AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR**
3 **CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER**
4 **PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER,**
5 **INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING**
6 **PROCESS.**

7 The General Assembly of North Carolina enacts:

8 Section 1. Subsection (a) of Section 18 of Chapter 1074 of the 1989 Session
9 Laws, as amended by subsection (e) of Section 22 of Chapter 900 of the 1991 Session
10 Laws, Section 1 of Chapter 88 of the 1993 Session Laws, and Section 33 of Chapter 561
11 of the 1993 Session Laws, reads as rewritten:

12 "(a) The State of North Carolina shall lease out to the North Carolina Indian
13 Cultural Center, Inc., for a period of 99 years at a monetary consideration of \$1.00 per
14 year all the real property it acquired for the Indian Cultural Center, except that portion
15 containing the Riverside Golf Course, but no part of Phase I of the project may be
16 constructed either by the State or for the lessee until an environmental impact assessment
17 is completed on Phase I of the property, and if required pursuant to Article 1 of Chapter
18 113A of the General Statutes, an environmental impact statement is prepared. The State
19 shall enter into a lease agreement in accordance with this section not later than December
20 31, 1993. If the State and the North Carolina Indian Cultural Center, Inc., do not enter

1 into a lease agreement by December 31, 1993, then the property may be used for any
2 public purpose.

3 Any lease agreement entered into by the State with the North Carolina Indian Cultural
4 Center, Inc., shall include but not be limited to the following terms:

- 5 (1) An environmental impact assessment pursuant to Article 1 of Chapter
6 113A of the General Statutes is completed on Phase I of the property.
- 7 (2) The lease shall include a reversionary clause stipulating that the North
8 Carolina Indian Cultural Center, Inc., must raise funds or receive
9 pledges totalling ~~the \$4,160,000 necessary to complete Phase I of this project~~
10 ~~within three years from the date of execution of the lease agreement.~~
11 \$3,000,000 by June 1, 2001.
- 12 (3) If the funds or pledges are not obtained ~~within three years from the date of~~
13 ~~execution, by June 1, 2001,~~ then this lease agreement will automatically
14 terminate.
- 15 ~~(4) The North Carolina Indian Cultural Center, Inc., as lessee, may conduct~~
16 ~~no construction of Phase I on the premises until it has fulfilled the terms~~
17 ~~of the lease agreement."~~

18 Section 2. (a) In order for Section 1 of this act to remain effective after
19 December 31, 1997, the North Carolina Indian Cultural Center, Inc., a private nonprofit
20 corporation organized under the laws of this State, shall reorganize itself as provided in
21 subsection (b) of this section and comply with the remainder of the provisions of this
22 section.

23 (b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist
24 of 13 members, appointed as follows:

- 25 (1) One member representing each of the following Indian groups
26 recognized by the State of North Carolina: the Coharie of Sampson and
27 Harnett Counties; the Eastern Band of Cherokees; the Haliwa of
28 Halifax, Warren, and adjoining counties; the Lumbees of Robeson,
29 Hoke, and Scotland Counties; the Meherrin of Hertford County; and the
30 Waccamaw-Siouan from Columbus and Bladen Counties;
- 31 (2) One member each from the following Indian organizations: the
32 Cumberland County Association for Indian People, the Guilford Native
33 Americans, and the Metrolina Native Americans;
- 34 (3) One member representing the education community of the State;
- 35 (4) One member representing the business community of the State;
- 36 (5) One member representing the government of the State of North
37 Carolina; and
- 38 (6) One member representing the federal government.

39 Each member shall be appointed by the North Carolina Commission of Indian
40 Affairs. The groups and organizations to be represented by members designated in
41 subdivisions (1) and (2) above shall submit two prioritized nominations to the
42 Commission. The Board of the North Carolina Indian Cultural Center, Inc., shall submit
43 two prioritized nominations to the Commission for the members designated in

1 subdivisions (3) through (6) above. In each case, the North Carolina Commission of
2 Indian Affairs may appoint either nominee made or reject both nominees. In the case of a
3 rejection of both nominees, the nominating group or organization shall be given 30 days
4 to submit two new nominations. Should the North Carolina Commission of Indian
5 Affairs determine not to appoint either of the new nominees, the Commission shall
6 appoint a member of its choice from the group or organization, but not one of the
7 previous nominees. If the nominating group or organization submits only one
8 nomination or fails to submit nominations for any reason within 30 days after the date
9 designated for submission by the Commission, the Commission shall appoint a member
10 of its choice to fill the requirement. The Board of the North Carolina Indian Cultural
11 Center, Inc., shall appoint a chair from the Board membership.

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

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

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

26 (c) The North Carolina Indian Cultural Center, Inc., may commence the
27 renovation of the Henry Berry Lowry House as soon as it has raised sufficient funds to do
28 so and upon approval of the Department of Administration. The North Carolina Indian
29 Cultural Center, Inc., may commence the nonpermanent construction of Phase I of the
30 project as soon as it has raised sufficient funds to complete that portion of the project and
31 upon the approval of the Department of Administration. Construction of any of the
32 permanent buildings included in Phase I of the project may commence once the North
33 Carolina Indian Cultural Center, Inc., has raised funds or pledges totalling two million
34 dollars (\$2,000,000) or when the Office of State Construction, Department of
35 Administration has authorized the commencement of that construction.

36 (d) The Board of the North Carolina Indian Cultural Center, Inc., shall consult
37 with the North Carolina Commission of Indian Affairs, Department of Administration,
38 and shall seek guidance from the Commission in connection with its fund-raising efforts
39 and the construction process. The Department of Administration shall review the
40 working relationship between the North Carolina Indian Cultural Center, Inc., and the
41 North Carolina Commission of Indian Affairs in January of each odd-numbered year
42 beginning in 1999 and shall report its findings to the Governor by March 1 of that year,
43 including a recommendation on whether the relationship should continue. The

1 Department of Administration shall review the progress of the Board's fund-raising
2 efforts and report its findings to the General Assembly and the Governor by March 1,
3 2000.

4 (e) The North Carolina Indian Cultural Center, Inc., may appoint an advisory
5 board composed of membership of its choosing to advise and assist the Board in its fund-
6 raising efforts and in managing the construction and operation of the North Carolina
7 Indian Cultural Center.

8 Section 3. Section 1 of this act is effective when it becomes law, but shall
9 expire on January 1, 1998, if the North Carolina Commission of Indian Affairs has not
10 certified by that date that the North Carolina Indian Cultural Center, Inc., has reorganized
11 itself as provided for in subsection (b) of Section 2 of this act and is complying with the
12 remainder of the provisions of that section. The remainder of this act is effective when it
13 becomes law.