

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

**H**

**2**

HOUSE BILL 517  
Committee Substitute Favorable 3/26/97

Short Title: Indian Cultural Center Fund-Raising.

(Public)

---

Sponsors:

---

Referred to:

---

March 17, 1997

A BILL TO BE ENTITLED

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

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

1 31, 1993. If the State and the North Carolina Indian Cultural Center, Inc., do not enter  
2 into a lease agreement by December 31, 1993, then the property may be used for any  
3 public purpose.

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

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

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

24 (b) The Board of the North Carolina Indian Cultural Center, Inc., shall consist  
25 of 15 members, appointed as follows:

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

40 Each member designated in subdivisions (1) and (2) above shall be appointed  
41 by the North Carolina Commission of Indian Affairs from two prioritized nominations  
42 submitted by the group or organization to be represented by that member. Each member  
43 designated in subdivisions (3) through (6) above shall be appointed by the North Carolina

1 Commission of Indian Affairs from two prioritized nominations submitted by the Board  
2 of the North Carolina Indian Cultural Center, Inc. If the nominating group or  
3 organization submits only one nomination or fails to submit nominations for any reason  
4 within 30 days after the date designated for submission by the Commission, the  
5 Commission shall appoint a member of its choice to fill the requirement. The Board of  
6 the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board  
7 membership.

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

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

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

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

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

1 efforts and report its findings to the General Assembly and the Governor by March 1,  
2 2000.

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

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