

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-41
HOUSE BILL 517

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

The General Assembly of North Carolina enacts:

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

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

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

- (1) An environmental impact assessment pursuant to Article 1 of Chapter 113A of the General Statutes is completed on Phase I of the property.
- (2) The lease shall include a reversionary clause stipulating that the North Carolina Indian Cultural Center, Inc., must raise funds or receive pledges totalling ~~the \$4,160,000 necessary to complete Phase I of this project within three years from the date of execution of the lease agreement.~~ three million dollars (\$3,000,000) by June 1, 2001.
- (3) If the funds or pledges are not obtained ~~within three years from the date of execution,~~ by June 1, 2001, then this lease agreement will automatically terminate.

- (4) ~~The North Carolina Indian Cultural Center, Inc., as lessee, may conduct no construction of Phase I on the premises until it has fulfilled the terms of the lease agreement."~~

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

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

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

Each member designated in subdivisions (1) and (2) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the group or organization to be represented by that member. Each member designated in subdivisions (3) through (6) above shall be appointed by the North Carolina Commission of Indian Affairs from two prioritized nominations submitted by the Board of the North Carolina Indian Cultural Center, Inc. If the nominating group or organization submits only one nomination or fails to submit nominations for any reason within 30 days after the date designated for submission by the Commission, the Commission shall appoint a member of its choice to fill the requirement. The Board of the North Carolina Indian Cultural Center, Inc., shall appoint a chair from the Board membership.

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

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

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

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

(d) The Board of the North Carolina Indian Cultural Center, Inc., shall consult with the North Carolina Commission of Indian Affairs, Department of Administration, and shall seek guidance from the Commission in connection with its fund-raising efforts and the construction process. The Department of Administration shall review the working relationship between the North Carolina Indian Cultural Center, Inc., and the North Carolina Commission of Indian Affairs in January of each odd-numbered year beginning in 1999 and shall report its findings to the Governor by March 1 of that year, including a recommendation on whether the relationship should continue. The Department of Administration shall review the progress of the Board's fund-raising efforts and report its findings to the General Assembly and the Governor by March 1, 2000.

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

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

In the General Assembly read three times and ratified this the 21st day of April, 1997.

s/ Dennis A. Wicker

President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 2:57 p.m. this 30th day of April, 1997