

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 218
Commerce and Insurance Committee Substitute Adopted 5/6/19
House Committee Substitute Favorable 6/27/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S218-PCS45331-SA-62

Short Title: Clarify State Recognition - Lumbee Indians. (Public)

Sponsors:

Referred to:

March 12, 2019

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATE RECOGNITION OF THE LUMBEE TRIBE OF NORTH CAROLINA, TO MAKE CHANGES REGARDING THE CONVEYANCE OF THE LUMBEE TRIBE CULTURAL CENTER, AND TO ESTABLISH THE LUMBEE TRIBE OF NORTH CAROLINA TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 71A-3 reads as rewritten:

"§ 71A-3. Lumbee Tribe of North Carolina; rights, privileges, immunities, obligations and duties.

The Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American Colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, who have previously been known as "Croatan Indians," "Indians of Robeson County," and "Cherokee Indians of Robeson County," shall, from and after April 20, 1953, be designated and officially recognized as Lumbee Tribe of North Carolina and shall continue to enjoy all rights, privileges and immunities ~~enjoyed by them as citizens of the State as now provided by law, and shall continue to be subject to all the obligations and duties of citizens under the law as an American Indian Tribe with a recognized tribal governing body carrying out and exercising substantial governmental duties and powers similar to the State, being recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.~~

SECTION 2. Section 1 of S.L. 2013-186 reads as rewritten:

"SECTION 1. Definitions. – The following definitions apply in this act:

- (1) Indian Cultural Center site. – Parcel 1, less and except approximately 110 acres for the use and operation of the Riverside Golf Course within Parcel 1, as well as Parcel 2, Parcel 3, and Parcel 4, all of which are located in Maxton Township, Robeson County, and which is more particularly described in the conveyance to the Lumbee Tribe of North Carolina in Book 1949, Page 149, Robeson County Registry.
- (2) Parcel 1. – 386.69 acres, more or less, by deed from the Riverside Country Club of Pembroke, Inc., dated April 14, 1983, recorded in Book 533, Page 164, Robeson County Registry and by deed dated August 24, 1984, recorded in Book 563, Page 254, Robeson County Registry.



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- 1 (3) Parcel 2. – 91.5 acres, more or less, by deed from Evelyn S. Morgan Abbott,
2 dated March 25, 1988, recorded in Book 575, Page 523, Robeson County
3 Registry.
4 (4) Parcel 3. – 10 acres, more or less, by deed from H.C. Locklear, et ux, dated
5 December 12, 1985, recorded in Book 586, Page 142, Robeson County
6 Registry.
7 (5) Parcel 4. – 42.50 acres, more or less, by deed from Ronald Revels and wife,
8 Dorisetta Revels, dated December 17, 1996, recorded in Book 931, Page 415,
9 Robeson County Registry."

10 **SECTION 3.** Section 4 of S.L. 2013-186 reads as rewritten:

11 **"SECTION 4.** Sale of Parcel 1. – (a) The Department of Administration shall first offer
12 Parcel 1 to the Lumbee Tribal Administration for purchase, subject to the following restrictive
13 covenants that would run with the land, a violation of any of which would result in the property
14 reverting to State ownership:

- 15 (1) The land must be made and remain open and available for public use.
16 (2) The land must be made and remain available for use by North Carolina tribes
17 and American Indian urban organizations for free or at cost.
18 (3) The parcel cannot be subdivided.
19 (4) ~~The natural resources cannot be sold or leased.~~

20 If any provision of this subsection or its application is held invalid, the invalidity does not affect
21 other provisions or applications of this subsection that can be given effect without the invalid
22 provisions or application, and to this end the provisions of this subsection are severable."

23 **SECTION 4.** All funds received from the sale or lease of natural resources from the
24 property described as Parcel 1 in S.L. 2013-186, as amended by Sections 2 and 3 of this act, shall
25 be deposited into the Lumbee Tribe of North Carolina Trust Fund established by G.S. 147-69.6A
26 and may only be expended pursuant to the conditions of that fund.

27 **SECTION 5.** G.S. 147-69.2(a) reads as rewritten:

28 "(a) This section applies to funds held by the State Treasurer to the credit of each of the
29 following:

30 ...

31 (22) The Lumbee Tribe of North Carolina Trust Fund."

32 **SECTION 6.** Article 6 of Chapter 147 of the General Statutes is amended by adding
33 a new section to read:

34 **"§ 147-69.6A. Lumbee Tribe of North Carolina Trust Fund.**

35 (a) The Lumbee Tribe of North Carolina Trust Fund is established as a special fund in
36 the Office of the State Treasurer under the management of the Treasurer. The Fund shall consist
37 of all funds received by the Lumbee Tribe of North Carolina for the sale or lease of natural
38 resources from the property described as Parcel 1 in S.L. 2013-186 and the interest and other
39 investment income earned by the Fund. Contributions to the Fund are irrevocable. Assets in the
40 Fund may be disbursed only to the Lumbee Tribal Administration for the purposes provided in
41 this section.

42 (b) The State Treasurer shall disburse to the Lumbee Tribal Administration amounts
43 requested by the Lumbee Tribal Administration for one of the following purposes if the stated
44 conditions are met:

- 45 (1) For the payment of property taxes on the described property, upon receipt of
46 a property tax bill issued by the taxing unit.
47 (2) For the reforestation of the described property under the supervision of a
48 consulting forester registered pursuant to Chapter 89B of the General Statutes,
49 upon receipt of an invoice for (i) the services of the consulting forester or (ii)
50 the purchase and installation of seedlings or saplings.

- 1 (c) The Lumbee Tribe of North Carolina Trust Fund is subject to the oversight of the
- 2 State Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.
- 3 (d) The Lumbee Tribe of North Carolina Trust Fund and the income therefrom shall not
- 4 take the place of or be counted against any other State appropriations or program providing funds
- 5 or disbursements to the Lumbee Tribe of North Carolina."

6 **SECTION 7.** This act is effective when it becomes law.