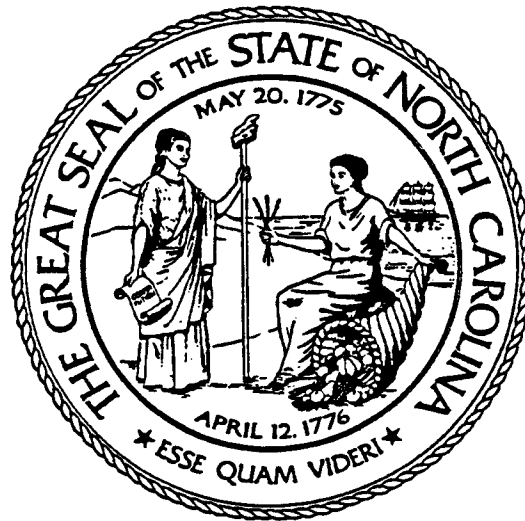


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**LEGISLATIVE  
RESEARCH COMMISSION**

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INDIAN CULTURAL CENTER  
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**REPORT TO THE  
1993 GENERAL ASSEMBLY  
OF NORTH CAROLINA**

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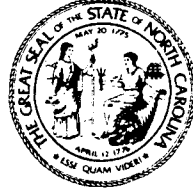
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STATE OF NORTH CAROLINA  
LEGISLATIVE RESEARCH COMMISSION  
STATE LEGISLATIVE BUILDING  
RALEIGH 27611



January 15, 1993

TO THE MEMBERS OF THE 1993 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on the North Carolina Indian Cultural Center. The report was prepared by the Legislative Research Commission's Committee on the North Carolina Indian Cultural Center pursuant to Section 2.4 of Chapter 754 of the 1991 Session Laws and Section 22 of Chapter 900 of the 1991 Session Laws, 1992 Regular Session.

Respectfully submitted,

Handwritten signature of Daniel T. Blue, Jr.

Daniel T. Blue, Jr.  
Speaker of the House

Handwritten signature of Henson P. Barnes.

Henson P. Barnes  
President Pro Tempore

Cochairmen  
Legislative Research Commission





1991-1992

LEGISLATIVE RESEARCH COMMISSION

MEMBERSHIP

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## PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1991 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of the North Carolina Indian Cultural Center was authorized by Section 2.4 of Chapter 754 of the 1991 Session Laws. That act states that the study may include:

- (1) The purpose of and need for the North Carolina Indian Cultural Center and the history of its development up to the current time;
- (2) Identification of the barriers to the Center's development, the impact of those barriers, and methods for overcoming those barriers;

- (3) Examination of various models of similar centers to determine if those models are adaptable to circumstances in North Carolina;
- (4) Determination of the direct and collateral benefits to be derived from the project and to whom those benefits accrue; and
- (5) Any related issues the committee deems appropriate.

Chapter 754 authorized the Committee to report its findings to the 1992 Regular Session of the General Assembly, the 1993 General Assembly, or both.

In the Current Operations Act of 1992 (Chapter 900 of the 1991 Session Laws), the General Assembly further provided that the Committee shall study provisions of the Charter of the North Carolina Indian Cultural Center, Inc., relating to the membership on the organization's Board of Directors and the feasibility of the coexistence of the Riverside Golf Course and the Indian Cultural Center, and shall report its findings and recommendations to the 1993 General Assembly.

The relevant portions of Chapter 754 and Section 22 of Chapter 900 are included in Appendix A. The Legislative Research Commission grouped this study in its State and Local Government and Their Structures area under the direction of Senator J.K. Sherron. The Committee was chaired by Senator William N. Martin and Representative Adolph L. Dial. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

## COMMITTEE PROCEEDINGS

Meeting on September 9, 1992

The LRC Committee on the North Carolina Indian Cultural Center held its first meeting on September 9, 1992, at 10:00 a.m. in Room 1124 of the Legislative Building. Senator J.K. Sherron read the Committee its charge. Senator Bill Martin, Cochairman, opened the meeting by urging the Committee to establish the common ground existing between the factions in disagreement over the exact location and nature of the Indian Culture Center planned for Robeson County, and to establish a consensus on how to proceed with the project. Representative Dial, the other cochairman, urged an end to the controversy that had surrounded the Cultural Center recently.

The first speaker was Ruth Dial Woods, a former member of the Commission of Indian Affairs and chair of the statewide committee that led to the creation of the Commission of Indian Affairs. She discussed the early efforts at establishing an American Indian tourism project as an economic development initiative and the establishment of a non-profit corporation, the North Carolina Cultural Center, Inc., to develop the cultural concept of the project. Ms. Woods reminded the Committee that, although American Indians have often been subjected to the theory of "divide and conquer," North Carolina has been a leader in providing education and State recognition for Indians. She called on the Committee to make a decision about the future of the Cultural Center that would assist Indians both in establishing economic self-sufficiency and in preserving their heritage and history.

Mr. Bruce Jones, Executive Director of the Commission of Indian Affairs, was next called upon to discuss the sequence of events leading to the present circumstances regarding the Cultural Center project. He recalled his discussions with Governor Hunt in the late 1970s regarding the siting of an Indian Cultural Center in the vicinity of Interstate 95 and Highway 74, and explained that the feasibility study completed by Wilbur Smith and Associates in 1981 had identified the Riverside Country Club site as a preferable location.

Mr. Jones explained that the Riverside Country Club property had been originally established as a recreation center for the Indian people through an FHA loan. When the loan went into default, a group of individuals formed a corporation and purchased the land to operate the country club as a business enterprise. At the time of the Wilbur Smith study, the country club was not doing well. Since the State could not afford to purchase the money outright, Labor Commissioner John Brooks, who was also a member of the Commission of Indian Affairs, persuaded the Council of State to use \$100,000 in a reserve fund to purchase a 20% undivided interest in 387 acres of land. In 1984, the General Assembly appropriated funds to purchase the remaining 80% interest. [Section 14 of Chapter 1116 of the 1983 Session Laws]. According to Mr. Jones, the State had the land appraised at \$750,000, but the owners sold it for \$450,000. Direct access to Highway 74 was obtained through the purchase of an additional 99 acres and a third 10-acre tract. In 1985, the General Assembly appropriated \$100,000 for development of the Cultural Center, on the condition that the Commission of Indian Affairs form a non-profit corporation to manage development of the Cultural Center, and the North Carolina Indian Cultural Center, Inc. was created. [Section 51 of Chapter 757 of the 1985 Session Laws]. That non-profit corporation has also purchased approximately 64 acres of land along Highway 74.

Mr. Jones explained that the Department of Administration currently has three leases on the property in question. The Riverside Golf Course was given a one-year lease in 1985; that lease is now carried over on a month-to-month basis. The Lumbee Regional Development Association leases a swimming pool and bath house, and the third lease is to the Robeson Historical Drama Association, which produces the outdoor drama "Strike at the Wind." Money from these leases goes to the Commission of Indian Affairs. The Cultural Center is subleasing an office on the golf course property while it negotiates with the Department of Administration for a lease of its own. A document was provided to the Committee by the Cultural Center Board outlining its development and funding to date. That document is contained in Appendix D.

The next speaker was Speros Fleggas, Director of the Office of State Construction, who gave a progress report on the environmental impact assessment for Phase I of the Cultural Center project. Pursuant to Section 18 of Chapter 1074 of the 1989 Session Laws, no part of Phase I could be constructed until this assessment was completed. Section 22 of Chapter 900 of the 1991 Session Laws directed the Office of State Construction to complete the assessment by October 1, 1992. Mr. Fleggas explained that his office had contracted with NBBJ, an architectural firm in Research Triangle Park, to perform the assessment, which they anticipated would be completed by the deadline. A draft of the assessment was then being circulated for comments; it concluded that no negative environmental impacts would result from the project.

According to the draft, most development under Phase I is located within previously developed land, and all buildings are sited above the 100-year flood elevation. Limited

mitigation measures are proposed during construction for sedimentation and erosion control; no long-term mitigation measures are anticipated.

Mr. Henry McKoy, Deputy Secretary for Programs, Department of Administration, next was asked to comment on the status of the lease negotiations between the Department and the Cultural Center Board. Mr. McKoy explained that the Department was in the process of negotiating the lease, the terms of which are governed by the provisions of Section 18 of Chapter 1074 of the 1989 Session Laws, as amended by Section 22 of Chapter 900 of the 1991 Session Laws; the Department is directed to enter into a lease with the Cultural Center Board by June 30, 1993, and any such lease agreement is subject to the following terms:

(1) An environmental impact assessment must be completed on the property;

(2) The lease must contain a reversionary clause stipulating that the Cultural Center must raise \$4,160,000 necessary to complete Phase I of the project in its possession, unencumbered, and subject to its immediate disposal within 3 years of the execution of the lease or the the lease will automatically terminate;

(3) The Cultural Center may not conduct any construction of Phase I until it has fulfilled the terms of the lease;

(4) The Cultural Center shall enter into a sublease with the Riverside Golf Course to continue the operation and maintenance of the golf course under the same terms as the lease existing between the golf course and the State, to be renewable annually until the other terms of the lease are fulfilled.

The next speaker was Mr. Wes McClure, an architect with NBBJ in Research Triangle Park, and the designer of Phase I of the Cultural Center. Mr. McClure

explained that his plan anticipated three types of visitors to the Cultural Center: (1) Native Americans who come for cultural identity and to participate in pow-wows and other activities; (2) schoolchildren who come to learn the history and culture of Native Americans; and (3) tourists travelling on Interstate 95.

Mr. McClure began his slide presentation by reviewing the studies that had preceded his plan. The feasibility study conducted by Wilbur Smith and Associates in 1981 indicated that there was a need for a cultural/tourist center; the study looked at eight proposed sites in the vicinity of I-95 and Highway 74 and recommended the Riverside Golf Course property. The study estimated that annual visitation at the completed facility would be around 145,000 people in each of the first four years, and would increase to about 200,000 after the fourth year of operation. The Wilbur Smith plan envisioned a Cultural Center with museum exhibits, performing arts, an arts and crafts outlet, a restaurant, and meeting and educational facilities on the north side of the Lumber River, and with recreated Indian villages on the south side of the river. The plan estimated that the capital cost would be between \$2.7 to 3.4 million; operating costs in the first four years were to be \$420,000 per year, increasing to \$530,000 per year after that. The study estimated that revenues would be \$397,000 each of the first four years, and \$535,000 per year afterward. Therefore, after four years the project would be expected to begin making a profit.

Mr. McClure explained that the Wilbur Smith study's recommendation led to the purchase of the land in question. He explained that in 1989, the portion of the Lumber River that crosses the property was designated as High Quality Waters by the Division of Environmental Management. This designation, which came after the development of the master plan for the Cultural Center, put some restrictions on development of the

property and influenced some of the decisions leading to the current Phase I proposal, particularly those decisions regarding infrastructure and wastewater and stormwater treatment.

He next discussed a market research study undertaken in 1987 by the Winfield Group, which was based upon 428 telephone interviews and 901 patron and tourist interviews. This study determined that the preferred theme for the site would be a combination authentic village and cultural center, including recreational and picnicking facilities, a craft and gift shop, and lectures and seminars. Those surveyed expressed little interest in a library, swimming pool, or golf course while on the site.

Mr. McClure explained that the master plan was undertaken in 1988 by Yelverton/Architect and Edward Stone and Associates. He described it as a very ambitious plan which planned for use of the property owned by both the State and the Cultural Center and also some contiguous property not owned by the State. The master plan contemplated a 60,000 square foot visitor's center, a 60,000 square foot museum, a 3,000 seat amphitheater, a 50,000 square foot conference center, a 40,000 square foot lodge, a 20,000 square foot craft center, an aquatic center, a restaurant, six fast food restaurants, a mortuary house, a railroad station to allow visits by rail, a 40,000 square foot maintenance facility, and a village complex. There were also to be botanical gardens, camping, trails, archaeological sites, ceremonial grounds, and boating and canoeing on the lake. A 9-hole golf course was included in the master plan, but it was located on property not owned by the State or the Cultural Center.

Mr. McClure explained that the master plan did not include an estimate of the cost for the project. In 1990, he estimated the total cost of the project to be \$79 million;



Phase I was estimated to cost \$13 million. When he began to develop his plan for Phase I in 1989, he was instructed by the Cultural Center Board of Directors to fashion an appropriate first phase in the \$4.2 million range, with a visitor center providing for a variety of activities and some flexibility for change, and including preliminary village and trail construction; the goal was also to allow the site to be operated with minimum supervision. Mr. McClure also explained that his work has been complicated by the fact that federal wetlands regulations, which greatly impact the use of the property, have changed twice since he began the project. Additionally, a large portion of the property falls within the 100-year flood plain of the Lumber River. Therefore, both monetary restraints and environmental considerations have greatly influenced his proposal for Phase I.

In order to stay within his budget, Mr. McClure's plan makes use of existing roads, and does not include a vehicular bridge that would be necessary for access to the portion of the site lying south of the river. The central feature of his plan for Phase I is a 23,000 square-foot visitor center which includes a gift shop, craft shop, auditorium, ceremonial space, museum areas, storytelling space, gallery, comfort station, classroom, and some administrative space. The visitor center would be surrounded by an earth berm similar to prehistoric structures built by Native Americans in the southeastern United States. There is also a proposed village complex located essentially where it was in the master plan, and a visitor contact station on one of the few high points of ground for purposes of first aid, staff supervision, and some interpretation. Approximately one and a half miles of trails are also included in the plan, in order to connect the visitor center and the contact station with the villages. Because of the High Quality Waters designation placed on the Lumber River, on-site

sewage treatment was rejected in favor of a sewer line that ties in with the Town of Pembroke's system.

Mr. McClure explained that the design attempts to meet the following goals: to provide a unique setting; to use the natural environment in an appropriate way for interpretation; to provide ceremonial space for use by the Indian community; to make use of prehistoric and historic Indian art and architecture for inspiration; and to invest in interpretive facilities rather than infrastructure.

The next speaker was Mr. Tom Lambeth, Executive Director of the Z. Smith Reynolds Foundation. Mr. Lambeth explained that the Foundation had made several grants to the Cultural Center since 1988, totalling roughly \$140,000. He explained that the Foundation's mandate is to spend its money for the benefit of the people of North Carolina, and it has always had an interest in helping to tell the story of North Carolina's diverse history; the Foundation finds the Indian Cultural Center project especially attractive because it feels there needs to be more attention focused on the State's Native American population. He stated that the Foundation had been impressed with the leadership of the Cultural Center Board and the quality of planning that has gone into the project, and believes that its relatively modest investment has been a worthwhile one.

Mr. Lambeth expressed reluctance to generalize about the attitudes of the approximately 26,000 private foundations in the United States, but he attempted to address the question of a foundation's willingness to provide grants in situations where land is leased to, rather than owned by, the entity receiving funding. He concluded that in most cases, as long as the lease was long-term (more than 25 years in length), a

private foundation would not be reluctant to give assistance. In answer to a question, he stated that he thought the Cultural Center Board's goal of raising \$4.2 million for Phase I was entirely reasonable.

Mrs. Ruth Revels, Chair of the Board of Directors of North Carolina Indian Cultural Center, Inc., next discussed the make-up of the board of directors of that non-profit corporation. The board consists of fifteen members, and includes at least one representative of each of the nine State and federally-recognized tribes and organizations. Questions were raised about the process for selecting the members of the Board of Directors, and the Committee agreed that it would be appropriate to have a member of the Attorney General's office present at the next meeting to address those concerns.

The Committee determined that its next meeting would be held in Pembroke and would consist of a public hearing for members of the Indian community to voice their opinions regarding the Cultural Center project, followed by a Committee meeting to evaluate the results of the hearing.

#### **Public Hearing on October 12, 1992**

The Committee assembled at the Givens Performing Arts Center to hear interested persons express their opinions about the Cultural Center project. Mr. Wes McClure, the architect who designed the proposed Phase I construction, again presented his plan so that members of the public could respond to the proposal in a more informed

manner. A total of fifty speakers addressed the Committee; a majority of them expressed support for the Cultural Center as opposed to the golf course, but a large number of them preferred to see the Cultural Center and the golf course coexist. Some advocated the purchase of adjacent property for the construction of a new golf course, so that Phase I could be constructed on the proposed site. Further information regarding the public comments made before the Committee at the hearing can be found in the committee notebook filed in the Legislative Library.

#### **Meeting on October 13, 1992**

The Committee met in the district courtroom in Pembroke to evaluate the comments made at the public hearing and to discuss the future course of the Committee.

The Committee first discussed the status of the environmental assessment of the Cultural Center property that was being performed through the Department of Administration. Staff advised the Committee that the Secretary of Administration had determined that an environmental impact statement would be necessary, since concerns had been raised during the comment period about the effect of stormwater runoff on area wildlife. The Committee requested the presence of a representative of the Department at its next meeting to provide more detailed information on the process, as well as a projected completion date for the environmental impact statement.

Mrs. Ruth Revels, Chair of the Board of Directors of the North Carolina Indian Cultural Center, Inc., discussed the Cultural Center's fundraising plans. She explained to the Committee that the Cultural Center has submitted a proposal to the Administration for Native Americans for three years of funding totaling roughly \$900,000. The four major goals of the funding proposal were: 1) to update and refine the Cultural Center's business plan for development of Phase I, including a financing strategy and marketing promotional plan; 2) to examine the Cultural Center's organization and management structure to ensure its capability to finance, build, and operate Phase I and beyond; 3) to organize viable tribal enterprises, such as basket and pottery production, to provide necessary services to the Cultural Center upon completion of Phase I; and 4) to develop a statewide cooperative to test-market arts and crafts to be used as sale items at the Cultural Center.

Mrs. Revels explained that the Cultural Center currently had a staff of four full-time employees and two part-time security personnel, and was operating with \$60,000 in grants from Z. Smith Reynolds and the Cannon Foundation. There was also a pending grant of \$30,000 from the Bryan Foundation that required the Cultural Center to raise matching funds.

Mrs. Revels next described "focus meetings" the Cultural Center had held across the state with representatives of foundations and corporations such as Z. Smith Reynolds Foundation, the Bryan Foundation, and NationsBank. She described the meetings as "positive" regarding the levels of support for a project such as the North Carolina Indian Cultural Center.

Mrs. Revels then introduced Mr. Vail Carter, Chair of the Cultural Center's Development Committee, who briefed the Committee on the Center's fundraising strategy. Mr. Carter stated that his committee had worked with Capital Consortium, a professional fund raising group, and had identified potential gifts to the Cultural Center project from across the State totalling \$5 million. A breakdown of these potential gifts is found in Appendix E.

In response to a question, Mr. Carter expressed the view that the Cultural Center, as planned, and the present golf course could not coexist. He suggested that the State appropriate funds to buy adjacent or nearby property for the construction of a new golf course to be administered by Pembroke State University. He pointed out that the University already had a maintenance crew and security available, and that there was sufficient support in the community to suggest that private funds could be raised for construction of the new golf course.

Mr. David Steinbock, Assistant Attorney General, next addressed the Committee regarding the provisions of the articles of incorporation and by-laws, as amended, of the North Carolina Indian Cultural Center, Inc., relating to membership on the organization's board of directors. In response to questions posed by Committee staff, he concluded that no changes could be made in the articles of incorporation or by-laws that would improve upon the Cultural Center's ability to carry out its mission of developing an Indian Cultural Center in Robeson County. Mr. Steinbock's memorandum and the questions posed are contained in Appendix F.

Senator Martin expressed optimism that the Committee was making progress toward a solution to the disagreement over the future of the golf course. He suggested

that a group representing the Committee meet with the Chancellor of Pembroke State, and perhaps other UNC officials, to discuss the feasibility of a new golf course under the auspices of Pembroke State. Representative Dial and Senator Parnell agreed to represent the Committee in such an effort, and to report back to the Committee at its next meeting.

### Meeting on November 23, 1992

The Committee held its third meeting on November 23, 1992 in Room 1124 of the Legislative Building. Mr. Henry McKoy, Deputy Secretary, Department of Administration, provided the Committee with a status report on the environmental impact statement on Phase I of the Cultural Center project. As the Committee had been informed, the Department had called for a full environmental impact statement ("EIS") after comments in response to the environmental assessment had raised questions about stormwater runoff and the impact of sewer line construction on surrounding wetlands. Mr. McKoy told the Committee that the EIS had been filed on November 20, and that the 30-day comment period would end on December 30. Any comments received during that period would have to be addressed within the following 15 days, so the procedure would be complete by mid-January at the latest. Therefore, the process would not be complete in time for the Committee's final meeting; however, Mr. McKoy told the Committee he was confident that the EIS had adequately addressed the concerns raised previously.

Mrs. Ruth Revels next appeared before the Committee to summarize the Cultural Center's fundraising plans for those members not in attendance at the previous meeting.

Representative Dial then presented the Committee with a proposal that resulted from the meetings that he and Senator Parnell had held with Chancellor Oxendine at Pembroke State and incoming Representative Ron Sutton of Pembroke. The proposal presented two alternatives. The first contemplated the purchase of land for construction of a new golf course, and would allow for construction of the Cultural Center upon completion of the new course. The second alternative proposed the purchase of additional land northeast of the current site as a new site for Phase I of the Cultural Center. After much discussion, the Committee voted unanimously to recommend an amended version of the first proposal.

#### **Meeting on December 16, 1992**

The fourth meeting of the Committee was held December 16, 1992 at 10:00 a.m. in Room 1027 of the Legislative Building. The Committee reviewed, amended, and approved this report to the 1993 General Assembly.



## FINDINGS AND RECOMMENDATIONS

### FINDINGS:

The Committee finds that there is great support in the Indian community for the development of the North Carolina Indian Cultural Center on the land purchased for it in Robeson County. A large segment of the Indian community in North Carolina supports the construction of Phase I of the Cultural Center as proposed; however, a significant portion of the community also feels strongly about the importance of the Riverside Golf Course, and some community members condition their support for the Cultural Center by asking that the two be allowed to coexist.

However, the Committee finds that Phase I of the Cultural Center project, as presently planned, and the Riverside Golf Course, cannot coexist, because Phase I of the Cultural Center, as planned, is sited on high ground presently being used for the clubhouse and other strategic portions of the golf course.

The Committee further finds that Pembroke State University does not have convenient access to a golf course for use by its students, and such access would be of great benefit to the University.

The Committee also finds that the Department of Administration completed the environmental assessment of the Cultural Center site prior to October 1, 1992, as required by Section 22 of Chapter 900 of the 1991 Session Laws. However, the Department of Administration made a determination, pursuant to the provisions of

Article 1 of Chapter 113A of the General Statutes, that an environmental impact statement must be prepared for the project. A draft of that statement was filed on November 20, 1992, and the 30-day comment period ends on December 30, 1992. Comments received during that period must be addressed within the 15 days following the comment period; therefore, the Committee finds that the environmental impact statement on the project should be completed by January 19.

**RECOMMENDATION :**

(1) The State of North Carolina should purchase a sufficient amount of land for the construction of a new golf course in Robeson County that is reasonably accessible to Pembroke State University, to be maintained and operated under the stewardship of Pembroke State University through a board consisting of local citizens and university officials.

(2) The new golf course would be open to the public and would be used by Pembroke State University pursuant to an established schedule, as a means of furthering the golf programs at that institution.

(3) Construction of the new golf course should proceed as expeditiously as possible, and the Indian Cultural Center should be given a long-term lease to the present site to assist in its fund raising efforts for Phase I of the Cultural Center.

(4) The Riverside Golf Course should continue to operate at its present site until the new golf course is built.

(5) As soon as the North Carolina Indian Cultural Center, Inc. raises funds or receives pledges in compliance with Subsection (a)(2) of Section 18 of Chapter 1074 of the 1989 Session Laws, as amended by Subsection (e) of Chapter 900 of the 1991 Session Laws and by the bill contained in Appendix C of this report, and the new

golf course is ready for use, control of the Riverside Golf Course property should vest in the North Carolina Indian Cultural Center, Inc.

(6) The General Assembly should pass any legislation necessary for the accomplishment of these goals, including the bill contained in Appendix C, which extends the date by which the North Carolina Indian Cultural Center, Inc. must enter a lease agreement from June 30, 1993 to December 31, 1993, and allows the receipt of pledges to satisfy the fund-raising condition to be included in that lease.



APPENDIX A



CHAPTER 754  
SENATE BILL 917

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES, AND TO MAKE OTHER AMENDMENTS TO THE LAW.

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1991."

.....

PART II.-----LEGISLATIVE RESEARCH COMMISSION

.....

Sec. 2.4. North Carolina Indian Cultural Center Study(Martin of Guilford, Parnell). The Legislative Research Commission may study the issue of developing the North Carolina Indian Cultural Center in Robeson County. This study may include:

- (1) The purpose of and need for the North Carolina Indian Cultural Center and the history of its development up to the current time;
- (2) Identification of the barriers to the Center's development, the impact of those barriers, and methods for overcoming those barriers;
- (3) Examination of various models of similar centers to determine if those models are adaptable to circumstances in North Carolina;
- (4) Determination of the direct and collateral benefits to be derived from this project and to whom those benefits accrue; and
- (5) Any related issues the committee deems appropriate.

.....

Sec. 2.7. Committee Membership. For each Legislative Research Commission Committee created during the 1991-93 biennium, the cochairs of the Commission shall appoint the Committee membership.

Sec. 2.8. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1992 Regular Session of the 1991 General Assembly or the 1993 General Assembly, or both.

Sec. 2.9. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.10. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

.....

**PART XXI.-----EFFECTIVE DATE**

**Sec. 21.1. This act is effective upon ratification.**

**In the General Assembly read three times and ratified this the 16th day of July, 1991.**





LEGISLATIVE LIBRARY

CHAPTER 900  
HOUSE BILL 1340

AN ACT TO MODIFY THE APPROPRIATIONS AND BUDGET REVENUE ACT OF 1991, AS AMENDED, AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

PART 10. DEPARTMENT OF ADMINISTRATION

Requested by: Senator Martin of Guilford, Representatives Bowman, N.J. Crawford

INDIAN CULTURAL CENTER

Sec. 22. (a) Of the funds appropriated to the Department of Administration in Section 3 of Chapter 689 of the 1991 Session Laws, the sum of one thousand five hundred dollars (\$1,500) shall be expended for maintenance of the following State lands located in Robeson County:

- (1) 386.69 acres contained in the deed dated April 14, 1983, and recorded in Deed Book 533, page 164, Robeson County Registry;
- (2) 386.69 acres contained in the deed dated August 24, 1984, and recorded in Deed Book 563, page 254, Robeson County Registry;
- (3) 99.62 acres contained in the deed dated March 20, 1985, and recorded in Deed Book 575, page 523, Robeson County Registry; and
- (4) 10.00 acres contained in the deed dated September 11, 1985, and recorded in Deed Book 586, page 142, Robeson County Registry.

The public golf course known as the Riverside Golf Course, and any Indian Cultural Center developed or constructed on the above referenced lands shall be included in lands for which funds may be expended for maintenance under this section. No Indian Cultural Center developed or constructed on any of the above referenced lands shall be built on a public golf course, unless prior approval is granted by the General Assembly. No lease on the public golf course known as the Riverside Golf Course shall be entered into by the Department of Administration for a lease term in excess of 12 months unless prior approval is granted by the General Assembly.

Nothing in this provision shall be construed as being inconsistent with the provisions of Section 18 of Chapter 1074 of the 1989 Session Laws.

Any lease of the lands and buildings comprising the public golf course known as the Riverside Golf Course entered into by the State of North Carolina and any entity other than the North Carolina Indian Cultural Center, Inc., shall by its terms continue the use of the lands and buildings as a public golf course.

(b) The General Assembly's Legislative Research Commission Study Committee on the North Carolina Indian Cultural Center, Inc., authorized by Section 2.4 of Chapter 754 of the 1991 Session Laws, shall study provisions of the Charter of the North Carolina Indian Cultural Center, Inc., relating to membership on the organization's Board of Directors and the feasibility of the coexistence of the Riverside Golf Course and the Indian Cultural Center, and shall report its findings and recommendations to the 1993 General Assembly.

(c) The Office of the State Auditor shall conduct a financial audit of the North Carolina Indian Cultural Center, Inc., and shall report the results of the audit to the 1993 General Assembly.

(d) The Department of Administration shall complete the environmental impact assessment for which funds were appropriated under Section 18 of Chapter 1074 of the 1989 Session Laws not later than October 1, 1992.

(e) Subsection (a) of Section 18 of Chapter 1074 of the 1989 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, 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 June 30, 1993. If the State and the North Carolina Indian Cultural Center, Inc., do not enter into a lease agreement by June 30, 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 have the \$4,160,000 necessary to complete Phase I of this project in their possession, unencumbered, and subject to its immediate disposal within ~~five~~ three years from the date of execution of the lease agreement.
- (3) If the funds are not so possessed within ~~five~~ three years from the date of execution, 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.
- (5) The North Carolina Indian Cultural Center, Inc., as lessee, shall enter into a sublease agreement with the operator of the land and buildings known as the Riverside Golf Course to continue the operation and maintenance of the Riverside Golf Course under the same terms as the lease agreement between the State and the operator of the Riverside Golf Course. The sublease agreement shall be renewable annually until such time as the terms of the lease agreement as required under subdivisions (1) through (4) of this subsection have been fulfilled."

(f) This section is effective upon ratification.

...

**APPENDIX B**



NORTH CAROLINA INDIAN CULTURAL CENTER  
MEMBERSHIP - 1991-1992

**LRC Member:** Sen. J. K. Sherron, Jr.  
4208 Six Forks Road, Suite 302  
Raleigh, NC 27609  
(919) 781-8721

**Members:**

**President Pro Tempore's Appointments**

Sen. William N. Martin, Cochair  
P.O. Box 21325  
Greensboro, NC 27420-1325  
(919) 373-1530

Sen. Robert C. Carpenter  
180 Georgia Road  
Franklin, NC 28734  
(704) 524-5009

Ms. Maybelle Elk  
P.O. Box 403  
Pembroke, NC 28372

Mr. Ralph Hunt  
Route 6, Box 91A  
Lumberton, NC 28358

Sen. Herbert L. Hyde  
P.O. Box 7266  
Asheville, NC 28802  
(704) 255-0975

Sen. David R. Parnell  
P.O. Box 100  
Parkton, NC 28371  
(919) 858-3521

Sen. J. K. Sherron, Jr.  
4208 Six Forks Road, Suite 302  
Raleigh, NC 27609  
(919) 781-8721

**Staff:**

Mr. Sean Dail  
(919) 733-6660

**Speaker's Appointments**

Rep. Adolph L. Dial, Cochair  
Route 2, Box 295  
Pembroke, NC 28372  
(919) 521-4638

Rep. John C. Hasty  
P.O. Box 945  
Maxton, NC 28364  
(919) 844-5965 (H)  
(919) 276-8680 (O))

Rep. Howard J. Hunter, Jr.  
P.O. Box 418  
Conway, NC 27820  
(919) 585-0683

Rep. Vernon G. James  
Route 4, Box 251  
Elizabeth City, NC 27909  
(919) 330-4394

Rep. Richard T. Morgan  
570 Pinehurst South  
Pinehurst, NC 28374  
(919) 295-4575

**Clerk:**

Ms. Janet Puryear  
(919) 733-5963 (O)  
(919) 552-8224 (H)





APPENDIX C



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

D

93-LL-014(12.7)

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Indian Cultural Center Lease.

(Public)

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Sponsors: .

---

Referred to:

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1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXTEND THE DATE BY WHICH THE NORTH CAROLINA INDIAN  
3 CULTURAL CENTER, INC. IS REQUIRED TO ENTER A LEASE WITH THE  
4 STATE OF NORTH CAROLINA AND TO ALLOW THE RECEIPT OF PLEDGES TO  
5 SATISFY THE FUND-RAISING CONDITION TO BE INCLUDED IN THAT  
6 LEASE.  
7 The General Assembly of North Carolina enacts:  
8           Section 1. Subsection (a) of Section 18 of Chapter 1074  
9 of the 1989 Session Law, as amended by Subsection (e) of Chapter  
10 900 of the 1991 Session Laws, reads as rewritten:  
11   "(a) The State of North Carolina shall lease out to the North  
12 Carolina Indian Cultural Center, Inc., for a period of 99 years  
13 at a monetary consideration of \$1.00 per year all the real  
14 property it acquired for the Indian Cultural Center, but no part  
15 of Phase I of the project may be constructed either by the State  
16 or for the lessee until an environmental impact assessment is  
17 completed on Phase I of the property, and if required pursuant to  
18 Article 1 of Chapter 113A of the General Statutes, an  
19 environmental impact statement is prepared. The State shall enter  
20 into a lease agreement in accordance with this section not later  
21 than ~~June 30~~, December 31, 1993. If the State and the North  
22 Carolina Indian Cultural Center, Inc., do not enter into a lease  
23 agreement by ~~June 30~~, December 31, 1993, then the property may be  
24 used for any public purpose.

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

- 4 (1) An environmental impact assessment pursuant to  
5 Article 1 of Chapter 113A of the General Statutes  
6 is completed on Phase I of the property.
- 7 (2) The lease shall include a reversionary clause  
8 stipulating that the North Carolina Indian Cultural  
9 Center, Inc., must ~~have~~ raise funds or receive  
10 pledges totalling the \$4,160,000 necessary to  
11 complete Phase I of this project ~~in their~~  
12 ~~possession, unencumbered, and subject to its~~  
13 ~~immediate disposal~~ within three years from the date  
14 of execution of the lease agreement.
- 15 (3) If the funds or pledges are not ~~so possessed~~  
16 obtained within three years from the date of  
17 execution, then this lease agreement will  
18 automatically terminate.
- 19 (4) The North Carolina Indian Cultural Center, Inc., as  
20 lessee, may conduct no construction of Phase I on  
21 the premises until it has fulfilled the terms of  
22 the lease agreement.
- 23 (5) The North Carolina Indian Cultural Center, Inc., as  
24 lessee, shall enter into a sublease agreement with  
25 the operator of the land and buildings known as the  
26 Riverside Golf Course to continue the operation and  
27 maintenance of the Riverside Golf Course under the  
28 same terms as the lease agreement between the State  
29 and the operator of the Riverside Golf Course. The  
30 sublease agreement shall be renewable annually  
31 until such time as the terms of the lease agreement  
32 as required under subdivisions (1) through (4) of  
33 this subsection have been fulfilled."

34 Sec. 2. This act is effective upon ratification.

## EXPLANATION OF LEGISLATION

This bill extends the date by which the North Carolina Indian Cultural Center, Inc. is required to enter into a lease agreement with the State of North Carolina from June 30, 1993 to December 31, 1993. The bill also deletes the requirement that the funds to complete Phase I of the Cultural Center project be in the possession of the Cultural Center, unencumbered, and subject to its immediate disposal within three years of the execution of the lease. The bill adds new language requiring only that the Cultural Center raise funds or receive pledges totalling the \$4,160,000 necessary to complete Phase I within three years of execution.



APPENDIX D





MILESTONE AND ACCOMPLISHMENTS  
OF THE  
NORTH CAROLINA INDIAN CULTURAL CENTER  
UNDER THE COMMISSION ON INDIAN AFFAIRS

- 1977-1985      Commission on Indian Affairs designated lead agency to explore Indian Cultural Center concept. Commission on Indian Affairs designated to take the lead in explaining concept.
- 1981            Coastal Plains Commission funds Commission on Indian Affairs to do a feasibility study of the concept of an Indian Cultural Center. Wilbur Smith and Associates does the feasibility study.
- 1982-1985      \$90,000 allocated by the N.C. Council of State for option on the Riverside Country Club property.
- \$360,000 appropriated by the N.C. Legislature to purchase 387 acres of the Riverside Country Club property.
- \$125,000 is appropriated by the N.C. Legislature to purchase 109 acres of property adjacent to Riverside Country Club property.
- \$100,000 appropriated (and held in reserve) by the N.C. Legislature until a nonprofit corporation established for N.C. Indian Cultural Center.
- N.C. Indian Cultural Center incorporated as a 501 (c) (3) non-profit corporation.
- 1986            North Carolina Indian Cultural Center incorporated, Board of Directors appointed, Commission on Indian Affairs becomes state liaison agency for Indian Cultural Center.

MILESTONES AND ACCOMPLISHMENTS  
OF THE  
NORTH CAROLINA INDIAN CULTURAL CENTER

- 1986
- North Carolina Indian Cultural Center Board of Directors begin organizational meetings to plan the Indian Cultural Center.
- North Carolina Department of Cultural Resources completes archaeological study of the site at the Indian Cultural Center. Evidence found of ancient Indian habitat dating back 10,000 years on the site.
- 1987
- Winfield Group completes Market Study for the Indian Cultural Center.  
\$100,000 planning grant for Indian Cultural Center received from Administration on Native Americans/Department Health/Human Services.
- Development Director hired and Administrative office opened for Indian Cultural Center in Robeson County, Pembroke.
- Historic Home of Henry Berry Lowrie House donated.
- 1988
- Master Plan completed by Donald Yelverton and Edward D. Stone, Jr. & Associates.
- Grants received to begin developing storyline, test marketing events at the Indian Cultural Center site, and identifying Indian artists and craftsman.
- 54 acres of land purchased by Indian Cultural Center.
- 1989
- Reception for General Assembly unveils Master Plan for Indian Cultural Center.
- Fundraising Feasibility Study completed by Capital Consortium.
- \$500,000 appropriated by General Assembly to the Department of Administration for Design of Phase I of N.C. Indian Cultural Center. Bohm-NBBJ hired to design Phase I.
- Cultural Center moves Administrative office to site.
- Ground Blessing Ceremony held at the Site.
- Program Storyline Plan completed for Indian Village Complex and Indian Settlement/Scuffletown.

1990

General architectural design and timelines submitted by Bohm-NBBJ approved by Cultural Center Board.

800 Indians express support for NC Indian Cultural Center in a public hearing held by the Secretary of Administration, James Lofton.

Statewide Indian Heritage Festival held at Indian Cultural Center.

Bohm-NBBJ wins Isosceles Award for Indian Cultural Center Visitor's Center/Museum.

1991

Outreach activities begin with Native American artists and craftsman.

Interim Phase Plan for Indian Cultural Center approved by Board.

Phase I Design completed by Bohm-NBBJ.

Programming relating to village, nature trails, herb garden, artists and craft demonstrators and crafts outlet completed for Interim Phase.

N.C. Legislative Study Commission established to review progress, barriers, and related issues concerning the Indian Cultural Center.

1st Annual Wild Game Festival held with 5 Southeastern Tribal groups participating.

Native American Arts and Crafts Show opened at Robeson County Museum. First such exhibit organized and opened to Robeson County citizens.

1992

Cultural Programming for tribal communities in North and South Carolina launched through festivals, exhibits, arts and crafts demonstrations and sales, and traditional Indian singing and dancing.

1st Historic Carolinas' Indian Gathering of 10 tribes and 3 urban Indian centers held at the site.

N.C. Legislature mandates environmental assessment be completed by the state for the Indian Cultural Center and establishes a date for lease to be given to Center.

Seeds of Change Traveling Exhibit obtained from Smithsonian Institution through N.C. Humanities Council by Indian Cultural Center. Exhibit to travel to all NC Indian Tribes and urban Indian centers.

Funds Raised By Cultural Center - \$1,140,865

- 1987 - \$80,000 from Administration for Native Americans for planning and general operating.
- \$ 5,000 from Dr. Adolph Dial for planning restoration of Henry Berry Lowrie House.
- 1988 - \$70,000 from Administration for Native Americans for general operating.
- \$35,000 from Z. Smith Reynolds Foundation for planning storyline.
  - \$ 1,000 from Mary Duke Biddle Foundation for work with youth.
- 1989 - \$ 750 from N.C. Humanities Council for festival activities.
- \$200,000 from Administration for Native Americans for general operating and planning for Phase I.
  - \$ 3,000 from N.C. Department of Travel and Tourism for brochure.
  - \$ 10,000 from Bill and Bobbie Brown for general operating.
  - \$ 10,000 Sara Lee Corporation for general operating.
- 1990 - \$ 30,000 from Z. Smith Reynolds Foundation for general operating and matching for ANA grant.
- \$200,000 from Administration for Native Americans for general operating and planning for Phase I.
  - \$ 20,000 Bryan Family Foundation for development of arts and crafts programs.
  - \$ 11,900 from N.C. Arts Council for work with artists and craftspersons and folk art traditions.
  - \$ 50,000 from Rural Center for planning for storyline and marketing for Phase I. Includes general operating funds.
  - \$ 5,000 Sara Lee Corporation for general operating.

- 1991 - \$180,000 from Administration for Native Americans for continued planning for Phase I and work with artists and craftspersons.
- \$30,000 from Z. Smith Reynolds Foundation for Cultural Educator/Programmer.
- \$11,990 from N.C. Arts Council for festivals and technical assistance and marketing work with artists and craftspersons.
- 1992 - \$50,000 from Z. Smith Reynolds Foundation for Interim Exhibits and general operating.
- \$10,000 from Cannon Foundation for Interim exhibits and general operating.
- \$10,000 from Bert and Mary Meyer Foundation for spring festival and general operating.
- \$5,000 Jessie Smith Noyes Foundation for Spring festival.
- \$2,000 Seventh Generation Fund to enable a contingency of tribal representatives to travel to Quincentennial Event, "Ancient Peoples Gathering", held by the Seminole Nation located in Hollywood, Florida.
- \$14,100 from N.C. Arts Council for various festivals, technical assistance for artists and craftspeople for the development of a Native American arts and crafts co-op, and update of the directory of Native American artists and craftspeople.
- \$8,500 from the N.C. Humanities Council for programming of a Smithsonian Institute "Seeds of Change" traveling exhibit to tribal communities across the State.
- \$30,000 from Kathleen Price and Joseph M. Bryan Foundation for development of interim exhibits and general operating.

1991-92

- Site Generated \$11,854
- Donations \$ 4,675
- Interest Earned \$ 1,744

1986-88

- Site Generated, earned interest, and private contributions \$12,765.

1989

- Site Generated, earned interest, and private contributions \$16,332.

1990

- Site Generated, earned interest, and private contributions \$10,255.

Funds Allocated to Project By General Assembly-\$1,286,000

- 1982 - \$90,000 to purchase one fifth interest in Riverside Golf Course property. Disbursement was through the Department of Administration.
- 1983 - \$360,000 to complete purchase of Riverside Country Club property. Disbursement was through the Department of Administration.
- 1984 - \$125,000 to purchase additional property adjacent to Riverside Country Club property. Disbursement was through the Department of Administration.
- 1985 - \$100,000 for planning to be held by the North Carolina Commission of Indian Affairs until a non-profit corporation was formed to oversee the development. These funds were disbursed to the North Carolina Indian Cultural Center, Inc. in 1986.
- 1987 - \$111,000 for general operating and planning for development. Disbursement was made by the Department of Administration to the Cultural Center.
- 1989 - \$500,000 for the design of Phase I, Environmental Assessment, general operating, and various surveys. These funds were all disbursed through the Department of Administration as follows:
- \$50,000 to the Cultural Center for general operating in January 1991.
  - A total of \$349,152.50 has been allocated for NBBJ Architectural firm for the following services:

- Pre-design and storyline	\$249,700.00
- Topographic and sewer profile survey	9,400.00
- Subsurface exploration	9,719.50
- Boundary and aerial surveys	15,333.00
- Environmental Assessment	<u>65,000.00</u>
	\$349,152.50

The N.C. Department of Administration would be able to account for the \$100,847.50 balance from the \$500,000 appropriation.





APPENDIX E



DEVELOPMENT FUNDS FOR PHASE 1  
N.C. INDIAN CULTURAL CENTER

ROHESEN COUNTY	MAJOR GIFTS (2)	300000	
	MINOR GIFTS (5)	70000	
	INDIVIDUAL GIFTS (650)	30000	400000
GUILFORD COUNTY	FOUNDATIONS (2)	75000	
GUILFORD COUNTY	CORPORATE GIFTS (4)	295000	
FORSYTH COUNTY	FOUND. AND CORP. (3)	480000	
WAKE COUNTY	CORPORATE (6)	175000	
ORANGE COUNTY	CORPORATE (5)	170000	
MECK. COUNTY	FOUNDATIONS (2)	60000	
MECK. COUNTY	CORPORATE (6)	230000	
BALANCE OF STATE	FOUND. AND CORP. (21)	38000	
BALANCE OF STATE	INDIVIDUALS (400)	15000	
TRIBES AND ORGANIZATIONS	(6)	12000	
OUT OF STATE FOUND. AND CORP.	(11)	1500000	
FEDERAL GOVT.	GRANTS (2)	400000	
FEDERAL GOVT.	LOANS (1)	350000	
STATE OF N.C.	N.C. GENERAL ASSEMBLY	400000	4600000
TOTALS			5000000

BREAKDOWN ON % BASIS

FOUNDATIONS	50.5
CORPORATE	22.5
GOVERNMENT GRANTS	10
LOANS	7
INDIVIDUALS	4



**APPENDIX F**





# State of North Carolina

Department of Justice

P.O. BOX 629

RALEIGH

27602-0629

LACY H. THORNBURG  
ATTORNEY GENERAL

7 October 1992

## MEMORANDUM

TO: Sean Dail, Committee Counsel  
LRC on the N.C. Indian Cultural Center

FROM: D. David Steinbock §  
Assistant Attorney General

RE: Indian Cultural Center, Inc.

In your letter of September 24, 1992, you ask what changes should be made to various documents relating to membership on the Indian Cultural Center, Inc.'s board of directors:

(1) In order for the corporation to function as intended by the General Assembly?

This question implies and assumes that the Cultural Center is not now functioning as intended by the General Assembly, which is not the case. Chapter 75 of the 1985 Session Laws gave rise to the creation of the Indian Culture Center, Inc. It indicated that the organization's function was to manage the property. That function, along with many others, was incorporated into the by-laws and Articles of Incorporation. No changes need to be made in the by-laws and Articles of Incorporation in order for the Culture Center to function as intended.

(2) To enhance the corporation's mission of developing an Indian Cultural Center in Robeson County.

Again, there are no changes that can be made in the Articles of Incorporation or by-laws that will do any more for the Cultural Center's mission than is being done now. The Center's mission is really to raise money and to manage the property developed as the Cultural Center.

I will be attending the meeting on October 13, 1992 in Pembroke.

DDS:pgs







# North Carolina General Assembly

Legislative Services Office  
Legislative Office Building  
300 N. Salisbury Street, Raleigh, N. C. 27603-5925

GEORGE R. HALL, JR., Legislative Administrative Officer  
(919) 733-7044

---

W. GLENN NEWKIRK, Director Automated Systems Division Suite 400, (919) 733-6834	GERRY F. COHEN, Director Bill Drafting Division Suite 100, (919) 733-6660	THOMAS L. COVINGTON, Director Fiscal Research Division Suite 619, (919) 733-4910	TERRENCE D. SULLIVAN, Director Research Division Suite 545, (919) 733-2578
---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------	----------------------------------------------------------------------------------------	----------------------------------------------------------------------------------

September 24, 1992

Attorney General Lacy H. Thornburg  
Justice Building  
2 East Morgan Street  
Raleigh, N.C. 27601-1497

Dear Mr. Attorney General:

The Legislative Research Commission's Committee on the North Carolina Indian Cultural Center, cochaired by Senator William Martin and Representative Adolph Dial, requests that your office comment on the charter and by-laws of the North Carolina Indian Cultural Center.

In Section 51(a) of Chapter 757 of the 1985 Session Laws, the General Assembly appropriated \$100,000 to the Department of Administration, Commission of Indian Affairs, "to be held in reserve until a non-profit corporation with a board of directors composed of people from Robeson County and the surrounding counties is formed to manage the Indian Cultural Center in Robeson County." "Upon formation of a non-profit corporation for this purpose," the funds were to be made available to the corporation to develop the Cultural Center.

The Articles of Incorporation of the North Carolina Indian Cultural Center, Inc., filed with the Secretary of State on December 16, 1985, provided for a board of directors to be selected by the North Carolina Commission of Indian Affairs, several of whom were to represent specified Indian tribes and organizations. Provision was made for three of the initial members to be replaced by members selected by a membership support group known as "Friends of the Indian Cultural Center," as soon as that group could meet to select successors.



On December 16, 1987, Articles of Amendment were filed, providing that the board of directors would thereafter be chosen "by the incumbent members of the board".

The Committee requests that you review the attached Articles of Incorporation, Articles of Amendment, and by-laws and respond to the following:

What changes, if any, should be made in the provisions of Articles of Incorporation, as amended, and by-laws of the North Carolina Indian Cultural Center, Inc., relating to membership on the organization's board of directors:

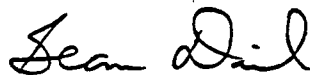
(1) In order for the corporation to function as intended by the General Assembly?

(2) To enhance the corporation's mission of developing an Indian Cultural Center in Robeson County?

If possible, in addition to a written response to these inquiries, the Committee would like to have a member of your office present to discuss these issues at the Committee's next meeting on October 13, 1992 at 10:00 at the courthouse in Pembroke, N.C. If you feel it would be appropriate to involve the office of the Secretary of State in this discussion, the Committee encourages you to do so.

Your assistance in this matter is greatly appreciated. I can be reached at 733-6660.

Sincerely,



Sean Dail  
Committee Counsel  
LRC on the North Carolina Indian  
Cultural Center