

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**SENATE BILL 426\***

Short Title: Golf Course Funds/Cultural Ctr.

(Public)

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Sponsors: Senators Martin of Guilford, Parnell, and Sherron.

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Referred to: Capital Expenditures.

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February 25, 1993

**A BILL TO BE ENTITLED**

**AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW GOLF COURSE IN ROBESON COUNTY AND TO ALLOW THE CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER UPON COMPLETION OF THAT GOLF COURSE, TO EXTEND THE DATE BY WHICH THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., IS REQUIRED TO ENTER A LEASE WITH THE STATE OF NORTH CAROLINA, AND TO ALLOW THE RECEIPT OF PLEDGES TO SATISFY THE FUND-RAISING CONDITION TO BE INCLUDED IN THAT LEASE.**

The General Assembly of North Carolina enacts:

Section 1. The State of North Carolina shall 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 by Pembroke State University through a board consisting of local citizens and University officials. The new golf course shall be open to the public and shall be used by Pembroke State University pursuant to an established schedule, as a means of furthering the golf programs at the University. Construction of the new golf course shall proceed as soon as the State purchases land in Robeson County for that purpose. The Riverside Golf Course shall continue to operate at its present site until the new golf course is built.

Sec. 2. There is appropriated from the General Fund to the Department of Administration the sum of two million five hundred thousand dollars (\$2,500,000) for the 1993-94 fiscal year for the construction of a golf course as described in Section 1 of this act, to be allocated as follows:

1 (1) Three hundred thousand dollars (\$300,000) for the purchase of land  
2 and initial design of the golf course; and

3 (2) Two million two hundred thousand dollars (\$2,200,000) for  
4 construction of the golf course.

5 Funds allocated for the purchase of land and initial design but not needed for that  
6 purpose may be used for construction of the golf course.

7 Sec. 3. Subsection (a) of Section 22 of Chapter 900 of the 1991 Session  
8 Laws reads as rewritten:

9 "(a) Of the funds appropriated to the Department of Administration in Section 3 of  
10 Chapter 689 of the 1991 Session Laws, the sum of one thousand five hundred dollars  
11 (\$1,500) shall be expended for maintenance of the following State lands located in  
12 Robeson County:

13 (1) 386.69 acres contained in the deed dated April 14, 1983, and recorded  
14 in Deed Book 533, page 164, Robeson County Registry;

15 (2) 386.69 acres contained in the deed dated August 24, 1984, and  
16 recorded in Deed Book 563, page 254, Robeson County Registry;

17 (3) 99.62 acres contained in the deed dated March 20, 1985, and recorded  
18 in Deed Book 575, page 523, Robeson County Registry; and

19 (4) 10.00 acres contained in the deed dated September 11, 1985, and  
20 recorded in Deed Book 586, page 142, Robeson County Registry.

21 The public golf course known as the Riverside Golf Course, and any Indian Cultural  
22 Center developed or constructed on the above referenced lands shall be included in  
23 lands for which funds may be expended for maintenance under this section. ~~No Indian~~  
24 ~~Cultural Center developed or constructed on any of the above referenced lands shall be built on~~  
25 ~~a public golf course, unless prior approval is granted by the General Assembly. Upon~~  
26 ~~completion of the new golf course to be constructed on land purchased by the State of~~  
27 North Carolina and maintained and operated by Pembroke State University, an Indian  
28 Cultural Center may be constructed on the above referenced lands. No lease on the  
29 public golf course known as the Riverside Golf Course shall be entered into by the  
30 Department of Administration for a lease term in excess of 12 months unless prior  
31 approval is granted by the General Assembly.

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

34 Any lease of the lands and buildings comprising the public golf course known as the  
35 Riverside Golf Course entered into by the State of North Carolina and any entity other  
36 than the North Carolina Indian Cultural Center, Inc., shall by its terms continue the use  
37 of the lands and buildings as a public golf ~~course~~ course until completion of the new  
38 golf course to be constructed on land purchased by the State of North Carolina and  
39 maintained and operated by Pembroke State University."

40 Sec. 4. Subsection (a) of Section 18 of Chapter 1074 of the 1989 Session  
41 Laws, as amended by subsection (e) of Section 22 of Chapter 900 of the 1991 Session  
42 Laws, reads as rewritten:

43 "(a) The State of North Carolina shall lease out to the North Carolina Indian  
44 Cultural Center, Inc., for a period of 99 years at a monetary consideration of \$1.00 per

1 year all the real property it acquired for the Indian Cultural Center, but no part of Phase  
2 I of the project may be constructed either by the State or for the lessee until an  
3 environmental impact assessment is completed on Phase I of the property, and if  
4 required pursuant to Article 1 of Chapter 113A of the General Statutes, an  
5 environmental impact statement is prepared. The State shall enter into a lease agreement  
6 in accordance with this section not later than ~~June 30,~~ December 31, 1993. If the State  
7 and the North Carolina Indian Cultural Center, Inc., do not enter into a lease agreement  
8 by ~~June 30,~~ December 31, 1993, then the property may be used for any public purpose.

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

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

33 Sec. 5. Section 2 of this act becomes effective July 1, 1993. The remainder  
34 of this act is effective upon ratification.