



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# SENATE BILL 218: Clarify State Recognition - Lumbee Indians.

2019-2020 General Assembly

<b>Committee:</b>	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 26, 2019
<b>Introduced by:</b>	Sens. Britt, Bishop, McInnis	<b>Prepared by:</b>	Susan Sitze
<b>Analysis of:</b>	PCS to Second Edition S218-CSSA-58		Staff Attorney

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for S218 would amend the State recognition of the Lumbee Tribe of North Carolina and make changes regarding the conveyance of the Lumbee Tribe Cultural Center.*

### BILL ANALYSIS:

**Section 1** would amend the statutory State recognition of the Lumbee Tribe of North Carolina (G.S. 71A-3) to provide that the Tribe "shall continue to enjoy all rights, privileges and immunities 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."

**Sections 2 and 3** would make changes regarding the transfer of property to the Lumbee Tribe of North Carolina by sale as authorized in S.L. 2013-186. [See **Background**]

- **Section 2** would clarify the description of the site by making reference to the record of conveyance.
- **Section 3** would remove the following restrictive covenants from the transfer, violation of which results in reversion of the land to the State:
  - A requirement that the land be made and remain available for use by North Carolina tribes and American Indian urban organizations for free or at cost.
  - A prohibition on subdivision of the parcel.
  - A prohibition on sale or lease of natural resources.

**EFFECTIVE DATE:** This act would be effective when it becomes law.

### BACKGROUND:

#### Section 1

The language in **Section 1** is consistent with the language that was added to G.S. 71A-5 for the Haliwa-Saponi Indian Tribe of North Carolina in S.L. 2001-111.

#### Sections 2 and 3

S.L. 2013-186 provided for the sale of a parcel of land identified in that legislation as "Parcel 1" and consisting of 386.69 acres containing the Indian Cultural Center, a lake, the Riverside Golf Course, and other improvements. S.L. 2013-186 directed the Department of Administration to have Parcel 1 appraised and to offer it for sale first to the Lumbee Tribal Administration with certain restrictive covenants. The

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parcel was sold to the Lumbee Tribal Administration pursuant to that authorization by a deed recorded May 7, 2014.