



SENATE BILL 218: Clarify State Recognition - Lumbee Indians.

2019-2020 General Assembly

Committee:		Date:	January 3, 2020
Introduced by:		Prepared by:	Susan Sitze
Analysis of:	S.L. 2019-162		Staff Attorney

OVERVIEW: *S.L. 2019-162 (i) amends the State recognition of the Lumbee Tribe of North Carolina and (ii) makes changes regarding the conveyance of the Lumbee Tribe Cultural Center, including removing the prohibition on the sale or lease of natural resources from the property with limitations on the use of any funds received as a result.*

This act became effective July 25, 2019.

BILL ANALYSIS:

State Recognition Language

This act amends 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."

Property Transfer Changes

This act makes changes regarding the transfer of property to the Lumbee Tribe of North Carolina by sale as authorized in S.L. 2013-186 (see **Background**) by (i) clarifying the description of the site by referring to the record of conveyance, and (ii) removing the restrictive covenant prohibiting sale or lease of natural resources from the property. Any funds received from the sale or lease of natural resources from the property must be deposited into the Lumbee Tribe of North Carolina Trust Fund established by this act and may only be expended pursuant to the conditions of that fund.

This act creates the Lumbee Tribe of North Carolina Trust Fund in the Office of the State Treasurer and authorizes the Treasurer to disburse amounts to the Lumbee Tribal Administration for the following purposes and under the following conditions:

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

The Lumbee Tribe of North Carolina Trust Fund is added to the list of special funds the North Carolina Treasurer holds and is authorized to invest.

EFFECTIVE DATE: This act became effective July 25, 2019.

Karen Cochrane-Brown
Director



Legislative Analysis
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BACKGROUND:

The change to the statutory language providing State recognition of the Lumbee Tribe of North Carolina 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.

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 with restrictive covenants and without restrictive covenants, and to offer it for sale first to the Lumbee Tribal Administration. The parcel was sold to the Lumbee Tribal Administration with restrictive covenants by a deed recorded May 7, 2014.