

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 260
Mar 7, 2017
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40161-ML-65 (02/02)

Short Title: Attorney General/North Shore Rd. Payment. (Public)

Sponsors: Representative Clampitt.

Referred to:

A BILL TO BE ENTITLED

AN ACT DIRECTING THE ATTORNEY GENERAL TO INVESTIGATE LEGAL METHODS AVAILABLE TO SWAIN COUNTY AND THE STATE TO ENSURE PAYMENT BY THE FEDERAL GOVERNMENT OF SUMS OF MONEY OWED FOR ITS FAILURE TO CONSTRUCT THE NORTH SHORE ROAD.

The General Assembly of North Carolina enacts:

SECTION 1. Findings. – The General Assembly finds the following:

- (1) The Tennessee Valley Authority and the State entered into a Memorandum of Agreement, dated July 30, 1943 (1943 Agreement).
- (2) As part of the 1943 Agreement, the United States Department of the Interior committed to "construct or cause to be constructed" a road that was to run from the eastern boundary of the Great Smoky Mountains National Park to the Fontana Dam Access Road. This road is commonly referred to as the "North Shore Road."
- (3) The North Shore Road has never been fully constructed.
- (4) The Tennessee Valley Authority and the State entered into another Memorandum of Agreement, dated February 6, 2010 (2010 Agreement).
- (5) As part of the 2010 Agreement, the federal government agreed to pay (i) eight million eight hundred thousand dollars (\$8,800,000) within 130 days of the date the 2010 Agreement was executed and (ii) additional sums not to exceed thirty-nine million two hundred thousand dollars (\$39,200,000) on or before December 31, 2020, to Swain County, North Carolina, to settle any and all claims related to the United States Department of the Interior's failure to fully construct the North Shore Road.
- (6) Swain County still has not received any of the additional sums owed to it under the 2010 Agreement.

SECTION 2. Investigation. – The Attorney General shall investigate any legal methods available to Swain County and the State to ensure payment by the federal government of the remaining sums of money owed to Swain County under the 2010 Agreement.

SECTION 3. Report. – The Attorney General shall report its findings, including any legislative recommendations, to the General Assembly by June 1, 2017. The report required under this section shall be submitted in accordance with G.S. 120-29.5.

SECTION 4. Effective Date. – This act is effective when it becomes law.

