

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 156  
PROPOSED SENATE COMMITTEE SUBSTITUTE H156-PCS30496-SB-11

Short Title: Swain County Settlement Trust Fund.

(Public)

Sponsors:

Referred to:

February 26, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE ACCESS TO CERTAIN ASSETS OF THE SWAIN COUNTY  
3 SETTLEMENT TRUST FUND BY THE BOARD OF COMMISSIONERS OF SWAIN  
4 COUNTY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 147-69.6 reads as rewritten:

7 "§ 147-69.6. Swain County Settlement Trust Fund.

8 (a) The Swain County Settlement Trust Fund is established as a special fund in the Office  
9 of the State Treasurer under the management of the Treasurer. The Fund shall consist of the  
10 proceeds of any payments made by the United States in settlement of the 1943 agreement  
11 between Swain County and the United States Department of Interior, such other contributions as  
12 Swain County or other entities may choose to make to the Fund, and the interest and other  
13 investment income earned by the Fund. For the purposes of this section, the initial balance of the  
14 Fund shall be defined as fifty-two million dollars (\$52,000,000).

15 (a1) Contributions to the Fund are irrevocable. Assets in the Fund may be disbursed only  
16 to Swain County.

17 (b) ~~On such schedule as the State Treasurer may determine, in consultation with the~~  
18 ~~Board of Commissioners of Swain County, the~~ The State Treasurer shall disburse to Swain  
19 County amounts requested by the Swain County Board of Commissioners pursuant to a majority  
20 vote of that body, provided that disbursements to Swain County under this subsection ~~in any~~  
21 ~~fiscal year shall not exceed the total interest and investment income earned by the Fund in that~~  
22 ~~fiscal year. At the start of each fiscal year, the State Treasurer shall issue a nonbinding opinion~~  
23 ~~and recommendation to the Swain County Board of Commissioners suggesting an appropriate~~  
24 ~~amount of interest and investment income to be reinvested in the Fund to ensure that the principal~~  
25 ~~investment grows to keep pace with inflation.~~ shall not be made from the initial balance of the  
26 Fund. Disbursements made pursuant to this subsection shall occur no more frequently than once  
27 per quarter.

28 (c) No portion of the ~~principal~~ initial balance of the Fund may be disbursed to Swain  
29 County absent a request by the Swain County Board of Commissioners accompanied by a  
30 certification by the Swain County Board of Elections that two-thirds of the registered voters of  
31 Swain County voted in favor of the disbursement and subsequent expenditure of the amount  
32 requested in a referendum conducted under subsection (f) of this section.

33 (d) Funds disbursed to Swain County under subsections (b) or (c) of this section shall be  
34 managed by the county in accordance with the requirements of the Local Government Budget  
35 and Fiscal Control ~~Act as amended from time to time.~~ Act, as amended.



1 (e) No part of the ~~principal~~ initial balance of the Swain County Settlement Trust Fund or  
2 of any interest or other income earned on that ~~principal~~ initial balance may be paid to or received  
3 by any agent or attorney on account of services rendered in connection with negotiating the  
4 settlement agreement between Swain County and the United States Department of Interior or  
5 obtaining the monetary settlement from the United States.

6 (f) The Board of Commissioners of Swain County may direct the Swain County Board  
7 of Elections to conduct an advisory referendum on the question of whether any portion of the  
8 ~~principal~~ initial balance of the Fund should be disbursed to and expended by the county for a  
9 particular purpose. The election shall be held in accordance with the procedures of  
10 G.S. 163A-1592. The question to be presented on the ballot shall disclose the specific purpose  
11 proposed for expenditure of the ~~principal investment~~ initial balance of the Trust Fund and the  
12 amount proposed for expenditure.

13 (g) The Swain County Settlement Trust Fund is subject to the oversight of the State  
14 Auditor pursuant to Article 5A of Chapter 147 of the General Statutes.

15 (h) The Swain County Settlement Trust Fund and the income therefrom shall not take the  
16 place of or be counted against any other State appropriations or program providing funds or  
17 disbursements to Swain County."

18 **SECTION 2.** This act becomes effective October 1, 2019.