

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

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HOUSE BILL 260

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

Sponsors: Representative Clampitt.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I

March 8, 2017

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE ATTORNEY GENERAL TO INVESTIGATE LEGAL METHODS
3 AVAILABLE TO SWAIN COUNTY AND THE STATE TO ENSURE PAYMENT BY THE
4 FEDERAL GOVERNMENT OF SUMS OF MONEY OWED FOR ITS FAILURE TO
5 CONSTRUCT THE NORTH SHORE ROAD.

6 The General Assembly of North Carolina enacts:

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

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

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

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

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

