

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 257

Short Title: Joint Municipal Power Agencies/Investments. (Public)

Sponsors: Representatives Arp, Winslow, Szoka, and Bell (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Energy and Public Utilities, if favorable, Finance, if favorable, Rules, Calendar,
and Operations of the House

March 11, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE MONEYS DEPOSITED IN CERTAIN DECOMMISSIONING
3 FUNDS ESTABLISHED BY NORTH CAROLINA MUNICIPAL POWER AGENCY
4 NUMBER 1 TO BE INVESTED THROUGH THE STATE TREASURER'S ANCILLARY
5 GOVERNMENTAL PARTICIPANT INVESTMENT PROGRAM.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** G.S. 159B-18 reads as rewritten:

8 **"§ 159B-18. Trust funds; investment authority.**

9 (a) Notwithstanding any other provisions of law to the contrary, all moneys received
10 pursuant to the authority of this Chapter, whether as proceeds from the sale of bonds or as
11 revenues, shall be deemed to be trust funds to be held and applied solely as provided in this
12 Chapter. The resolution authorizing the bonds of any issue or the trust agreement securing such
13 bonds may provide that any of such moneys may be temporarily invested and reinvested pending
14 the disbursements thereof in such securities and other investments as shall be provided in such
15 resolution or trust agreement, and shall provide that any officer with whom, or any bank or trust
16 company with which, such moneys shall be deposited shall hold and apply the same for the
17 purposes hereof, subject to such regulation as this Chapter and such resolution or trust agreement
18 may provide.

19 (b) Any moneys received pursuant to the authority of this Chapter and any other moneys
20 available to a joint agency for investment may be invested:

21 ...
22 (6) As provided in G.S. 147-69.2(b6), only with respect to funds deposited in the
23 Catawba Unit No. 1 Decommissioning Trust Fund and the Catawba Unit No.
24 2 Decommissioning Trust Fund, each established pursuant to a
25 Decommissioning Trust Agreement executed by North Carolina Municipal
26 Power Agency Number 1 on June 28, 1990, in accordance with regulations
27 promulgated by the Nuclear Regulatory Commission in Title 10, Chapter 1 of
28 the Code of Federal Regulations, Part 50, as amended from time to time."

29 **SECTION 1.(b)** G.S. 147-69.2 reads as rewritten:

30 **"§ 147-69.2. Investments authorized for special funds held by State Treasurer.**

31 (a) This section applies to funds held by the State Treasurer to the credit of each of the
32 following:

33 ...



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(23) The Catawba Unit No. 1 Decommissioning Trust Fund and the Catawba Unit No. 2 Decommissioning Trust Fund established by North Carolina Municipal Power Agency Number 1, as described in G.S. 159B-18(b)(6).

...

(b6) In addition to the investments authorized under subdivisions (b)(1) through (6) of this section, the State Treasurer may invest funds deposited in the Catawba Unit No. 1 Decommissioning Trust Fund and the Catawba Unit No. 2 Decommissioning Trust Fund in any of the investments authorized under subdivisions (b)(6c) and (b)(8) of this section, notwithstanding the percentage limitations imposed on the Retirement Systems' investments therein. For investments from the Funds made under subdivisions (b)(6c) and (b)(8) of this section, the State Treasurer may require a minimum deposit of up to one hundred thousand dollars (\$100,000) and may assess reasonable fees of up to 15 basis points per annum as a condition of making the investment. The fee may be used to defray the costs of administering the Fund and expenditures authorized under this section."

SECTION 2. This act is effective when it becomes law.