

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 1018  
HOUSE BILL 968

AN ACT TO PROVIDE ROADS TO THE FUTURE-PART 2.

The General Assembly of North Carolina enacts:

Section 1. (a) The Special Appropriation for Highways funds in the amount of thirty million dollars (\$30,000,000) appropriated in Section 5 of this act may be used by the Department of Transportation only for the following purposes:

(1) Supplemental funding to provide for highway construction, reconstruction and rehabilitation for State primary, secondary and urban road systems, to correct inequities in the distribution of funds from federal-aid construction programs, and to maintain a uniform pace of construction. These funds shall be spent on the State Highway System, in a uniform manner, for the benefit of citizens throughout the State.

(2) Payment of all or any portion of the interest on or the principal of bonds of the State issued for road and highway purposes.

(3) To match unanticipated federal highway aid.

Notwithstanding any other provision of law, no State funds other than the Special Appropriation for Highways funds may be used for this purpose.

(b) The Department shall report by January 15, 1987, to the chairmen of the Appropriations Committees of the Senate and the House of Representatives and the Fiscal Research Division on any plans for expending and any allocations of the Special Appropriation for Highways funds appropriated in this act.

(c) This section shall be effective July 1, 1986, through June 30, 1987. This section shall not be codified in the General Statutes.

Sec. 2. G.S. 136-28.1 (a) and (b) are amended by deleting the words "thirty thousand dollars (\$30,000)" where they appear and substituting the words "one hundred fifty thousand dollars (\$150,000)".

Sec. 3. (a) Of the funds appropriated for State Construction in Section 5 of this act, up to five million dollars (\$5,000,000) may be used by the Department of Transportation to participate in highway construction projects in which the developer or owner agrees to furnish the right-of-way free of charge to the Department of Transportation and to contract for the construction of the project. The projects eligible for participation are limited to those projects in which the developer or owner agrees to pay fifty percent (50%) or more of the construction cost. In order to qualify, the project shall be for the construction of a street or highway on the Transportation Improvement Program adopted by the Department of Transportation or on a mutually adopted thoroughfare plan and designated a Department of Transportation responsibility. Plans for the project shall be in accordance with Department of Transportation standards and

shall be approved by the Department of Transportation. The Department of Transportation shall require the developer or owner to file a bond with the Department adequate to insure the State against loss in the event of the developer's or owner's failure to satisfactorily perform the contract. In lieu of the bond, the Department may permit the developer or owner to make a deposit in cash, securities or collateral acceptable to the Department. The projects shall be constructed pursuant to the plans and specifications as approved by the Department of Transportation.

(b) The Department shall report by February 15, 1987, to the chairmen of the Appropriations Committees of the Senate and House of Representatives on any agreements entered into under subsection (a) of this section.

(c) This section shall be effective July 1, 1986, through June 30, 1987. This section shall not be codified in the General Statutes.

Sec. 4. The appropriations made in Sections 5 and 6 of this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

Sec. 5. The amounts appropriated from the Highway Fund for the 1986-87 fiscal year in the 1986-87 column of the schedule in Section 3 of Chapter 479 of the 1985 Session Laws, as amended by Section 184 of Chapter 757 of the 1985 Session Laws, are repealed, and appropriations from the Highway Fund for the expense of collecting revenues, for the service of the highway debt, and for the maintenance of transportation-related activities are made for the fiscal year ending June 30, 1987, according to the following schedule:

Current Operations - Highway Fund	1986-87
Department of Transportation	
01. Administration	\$ 20,962,563
02. Highways	
a. Administration and Operations	26,642,068
b. State Construction	
(01) Primary Construction	2,500,000
(02) Secondary Construction	55,543,750
(03) Urban Construction	23,000,000
(04) Access and Public Service Roads	2,000,000
(05) Special Appropriation for Highways	30,000,000
c. State Funds to Match Federal Highway Aid	
(01) Construction	67,160,000
(02) Planning Survey and Highway Planning Research	781,324
d. State Maintenance	
(01) Primary	69,648,337
(02) Secondary	124,403,445
(03) Urban	20,800,657

(04) Contract Resurfacing	100,376,255
e. Ferry Operations	11,416,657
f. State Aid to Municipalities	54,843,750
03. Division of Motor Vehicles	52,685,983
04. Governor's Highway Safety Program	276,698
05. Salary Adjustments for Highway Fund Employees	200,000
06. Debt Service	33,701,000
08. Reserve to Correct Occupational Safety and Health	350,000
09. Reserve for Salary Increase	39,200,000
10. Reserve for Hospital Medical-Benefits	2,027,106
Appropriations for Other State Agencies	
01. Crime Control and Public Safety	63,490,024
02. Other Agencies	
a. Department of Agriculture	1,975,636
b. Department of Revenue	1,204,279
c. Department of Human Resources	277,957
d. Department of Correction	1,750,000
e. Department of Public Education	22,508,283
Contingencies and Emergency Fund	<u>100,000</u>

GRAND TOTAL CURRENT OPERATION-  
HIGHWAY FUND

\$829,825,772

Sec. 6. The items and amounts appropriated for the 1986-87 fiscal year from the Highway Fund in the schedule in Section 5 of Chapter 480 of the 1985 Session Laws are reenacted, and additional appropriations are made from the Highway Fund for use by State institutions, departments, and agencies to provide for capital improvement projects according to the following schedule:

Capital Improvements	1986-87
01. Charlotte Maintenance and Equipment Yard	\$ 500,000
02. Ocracoke Island Ferry Facility (Supplemental)	300,000
03. Sound Class Ferry and Shore Facilities	4,000,000
04. Division Office at Greensboro	1,600,000
05. Hatteras Inlet Ferry Facility-North Dock	500,000
06. Division Office Addition at Wilson	300,000
07. Equipment Maintenance Building at Grantsboro	260,000
08. Division Equipment Shop - North Wilkesboro (Architect Only)	<u>125,000</u>
Total Capital Improvements/Highway Fund	\$7,585,000

Sec. 7. (a) Effective June 30, 1986, Section 183 of Chapter 479 of the 1985 Session Laws is rewritten to read:

"Sec. 183. Funding for the 36 process server and clerical positions in the Division of Motor Vehicles related to enforcement of the Vehicle Financial Responsibility Act shall end as these positions become vacant. Any vacancies occurring in these positions may not be filled."

(b) Effective June 30, 1986, Section 4 of Chapter 851 of the 1985 Session Laws is repealed.

Sec. 8. G.S. 20-183.7(c) is rewritten to read:

"(c) Fees collected for inspection certificates shall be paid to the Division of Motor Vehicles in accordance with its regulations and shall be periodically transferred as follows:

- (1) Seventy-five cents (75c) of the fee for the valid inspection sticker collected pursuant to subsection (a) shall be transferred to the Highway Fund.
- (2) The fee of not less than seventy-five cents (75c) nor more than two dollars and fifteen cents (\$2.15) collected pursuant to subsection (a1) shall be transferred as follows: the first thirty-five cents (35c) to the Division of Environmental Management and any excess up to one dollar and eighty cents (\$1.80) to the Highway Fund."

Sec. 9. All funds remaining unencumbered in "The Safety Inspection Monitoring Fund" created by Chapter 415 of the 1985 Session Laws on the effective date of this section shall revert to the Highway Fund.

Sec. 10. The people hired to monitor the Equipment Inspection of Motor Vehicles previously receiving their compensation from "The Safety Inspection Monitoring Fund" shall be paid after the effective date of this section from the Highway Fund.

Sec. 11. (a) G.S. 136-27.1 is amended by deleting "5,000", and substituting "5,500".

(b) This section shall become effective June 1, 1986, and applies only to State highway improvement projects let to contract on or after that date.

Sec. 12. (a) Funds are appropriated in Section 5 of this act to the Department of Crime Control and Public Safety for an additional 50 troopers for the Highway Patrol. These 50 troopers may not be assigned to any duty other than full-time enforcement of the traffic laws by patrolling the roads except when absence therefrom is required for court appearances, training mandated by statutes or compliance with the rules of the North Carolina Criminal Justice Education and Training Standards Commission, or administrative work directly arising out of road patrol or court appearance. Also, no additional administrative positions may be created that decrease the number of members of the Highway Patrol assigned to road patrol as essentially full-time duty.

The Secretary of Crime Control and Public Safety shall report before November 1, 1986, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division the name, rank, duty station, and duties of all members of the Highway Patrol above the rank of line sergeant and all members of whatever rank assigned to any headquarters at the troop or higher level, including those assigned to Governor's Security.

(b) This section is not intended to prevent the Department of Crime Control and Public Safety from assigning troopers to normal special duties to which troopers are ordinarily assigned.

Sec. 13. Effective June 30, 1986, Section 164 of Chapter 757 of the 1985 Session Laws is repealed.

Sec. 14. Of the funds appropriated to the Department of Transportation for fiscal year 1986-87 in Section 5 of this act, twenty million dollars (\$20,000,000) shall be allocated for Small Urban Construction projects. Of these funds, fourteen million dollars (\$14,000,000) shall be allocated equally among the 14 Highway Divisions for the Small Urban Construction Program for small urban construction projects that are located within the area covered by a one-mile radius of the municipal corporate limits. The remaining six million dollars (\$6,000,000) shall be used statewide for rural or small urban highway improvements as approved by the Secretary of the Department of Transportation.

None of these funds used for rural secondary road construction are subject to the county formula allocation as provided by G.S. 136-44.5.

Sec. 15. Notwithstanding the provisions of G.S. 136- 41.1 and G.S. 136-44.2A, the amount appropriated in this act shall be the basis for distribution to municipalities due on or before October 1, 1986.

Sec. 16. (a) The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

For Fiscal Year 1987-88	\$832,410,000
For Fiscal Year 1988-89	\$849,050,000

(b) Section 7 of Chapter 479 of the 1985 Session Laws is repealed.

Sec. 17. The Director of the Budget may transfer funds from the salary increase reserve fund in Section 5 of this act, for the same purposes as funds may be transferred under Sections 19 and 24 of Chapter 1014, Session Laws of 1985 from the salary increase reserve fund created by Section 2 of that act.

Sec. 18. The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

Sec. 19. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1986-87 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1986-87 fiscal year.

Sec. 20. Except where expressly repealed or amended by this act, the provisions of Chapters 479, 480, 757, 778, 791 and 1014 of the 1985 Session Laws as amended remain in effect.

Sec. 21. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1985-87 fiscal biennium or for the 1986-87 fiscal year in Chapters 479, 480, 757, 778, 791 and 1014 of the 1985 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations of this act for those same particular purposes.

Sec. 22. Insofar as the provisions of this act are inconsistent with the provisions of any general or special laws, or parts thereof, the provisions of this act shall be controlling.

Sec. 23. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 24. Except as otherwise provided for, this act is effective July 1, 1986.

In the General Assembly read three times and ratified, this the 15th day of July, 1986.