

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

**SESSION LAW 2019-231  
HOUSE BILL 100**

AN ACT, CONSISTENT WITH HOUSE BILL 966 OF THE 2019 REGULAR SESSION, TO ENACT A BUDGET FOR THE DEPARTMENT OF TRANSPORTATION, TO MAKE ADDITIONAL APPROPRIATIONS, TRANSFERS, AND REDUCTIONS TO THE DEPARTMENT, AND TO MAKE OTHER MODIFICATIONS RELATED TO THE OPERATIONS OF THE DEPARTMENT.

The General Assembly of North Carolina enacts:

**PART I. APPROPRIATIONS FOR DEPARTMENT OF TRANSPORTATION**

**INTRODUCTION**

**SECTION 1.1.** The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget for the Department of Transportation in accordance with the State Budget Act. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes, and the savings shall revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

**DEPARTMENT OF TRANSPORTATION BUDGET APPROPRIATIONS**

**SECTION 1.2.(a)** State funds, as defined in G.S. 143C-1-1(d)(25), are appropriated for each year of the 2019-2021 fiscal biennium, as follows:

- (1) All budget codes listed in the Governor's Recommended Budget and in the Budget Support Document for the Department of Transportation for the 2019-2021 fiscal biennium, submitted pursuant to G.S. 143C-3-5, are appropriated up to the amounts specified, as adjusted by the General Assembly in this act.
- (2) Departmental receipts up to the amounts needed to implement the legislatively mandated salary increases and employee benefit increases provided in this act for each year of the 2019-2021 fiscal biennium.

**SECTION 1.2.(b)** Receipts collected in a fiscal year in excess of the amounts appropriated by this section shall remain unexpended and unencumbered until appropriated by the General Assembly, unless the expenditure of overrealized receipts in the fiscal year in which the receipts were collected is authorized by G.S. 143C-6-4. Overrealized receipts are appropriated in the amounts necessary to implement this subsection.

**SECTION 1.2.(c)** Funds may be expended only for the specified programs, purposes, objects, and line items or as otherwise authorized by the General Assembly.

**OTHER RECEIPTS FROM PENDING AWARD GRANTS**

**SECTION 1.3.(a)** Notwithstanding G.S. 143C-6-4, the Department of Transportation may, with approval of the Director of the Budget, spend funds received from grants awarded subsequent to the enactment of this act for grant awards that are for less than two million five hundred thousand dollars (\$2,500,000), do not require State matching funds, and will



not be used for a capital project. The Department of Transportation shall report to the Joint Legislative Commission on Governmental Operations within 30 days of receipt of such funds.

The Department of Transportation may spend all other funds from grants awarded after the enactment of this act only with approval of the Director of the Budget and after consultation with the Joint Legislative Commission on Governmental Operations.

**SECTION 1.3.(b)** The Office of State Budget and Management shall work with the Department of Transportation to budget grant awards according to the annual program needs and within the parameters of the respective granting entities. Depending on the nature of the award, additional State personnel may be employed on a time-limited basis. Funds received from such grants are hereby appropriated and shall be incorporated into the authorized budget of the Department of Transportation.

**SECTION 1.3.(c)** Notwithstanding the provisions of this section, the Department of Transportation may not accept a grant not anticipated in this act if acceptance of the grant would obligate the State to make future expenditures relating to the program receiving the grant or would otherwise result in a financial obligation as a consequence of accepting the grant funds.

**ESTABLISHING OR INCREASING FEES**

**SECTION 1.4.(a)** Notwithstanding G.S. 12-3.1, the Department of Transportation is not required to consult with the Joint Legislative Commission on Governmental Operations prior to establishing or increasing a fee to the level authorized or anticipated in this act.

**SECTION 1.4.(b)** Notwithstanding G.S. 150B-21.1A(a), the Department of Transportation may adopt an emergency rule in accordance with G.S. 150B-21.1A to establish or increase a fee as authorized by this act if the adoption of a rule would otherwise be required under Article 2A of Chapter 150B of the General Statutes.

**PART II. HIGHWAY FUND AND HIGHWAY TRUST FUND**

**CURRENT OPERATIONS AND EXPANSION/HIGHWAY FUND**

**SECTION 2.1.** Appropriations from the State Highway Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2021, according to the following schedule:

<b>Current Operations – Highway Fund</b>	<b>FY 2019-2020</b>	<b>FY 2020-2021</b>
Department of Transportation		
Administration	\$89,090,615	\$89,105,965
Division of Highways		
Administration	40,700,089	40,700,089
Construction	46,643,869	36,100,000
Maintenance	1,450,263,015	1,540,896,422
Governor's Highway Safety Program	267,914	267,914
OSHA Program	358,030	358,030
State Aid to Municipalities	147,500,000	154,875,000
Intermodal Divisions		
Ferry	50,379,026	50,879,026
Public Transportation, Bicycle, and Pedestrian	95,154,993	95,154,993
Aviation	142,846,918	146,346,918
Rail	48,122,269	48,347,269

Division of Motor Vehicles	142,771,770	143,396,106
Compensation, Benefits, Reserves, Transfers, and Other	41,000,270	54,364,768
Capital Improvements	8,201,222	7,707,500
<b>Total Highway Fund Appropriations</b>	<b>\$2,303,300,000</b>	<b>\$2,408,500,000</b>

#### **HIGHWAY FUND AVAILABILITY**

**SECTION 2.2.** The Highway Fund availability used in developing the 2019-2021 fiscal biennial budget is shown below:

<b>Highway Fund Availability</b>	<b>FY 2019-2020</b>	<b>FY 2020-2021</b>
Motor Fuels Tax	\$1,520,100,000	\$1,569,500,000
Highway Short-Term Lease	10,000,000	10,000,000
Licenses and Fees	772,200,000	828,000,000
Investment Income	1,000,000	1,000,000
NCCR Dividend Payment	4,100,000	4,200,000
Repeal Dividend Payment	(4,100,000)	(4,200,000)
<b>Total Highway Fund Availability</b>	<b>\$2,303,300,000</b>	<b>\$2,408,500,000</b>

#### **HIGHWAY TRUST FUND APPROPRIATIONS**

**SECTION 2.3.** Appropriations from the State Highway Trust Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal biennium ending June 30, 2021, according to the following schedule:

<b>Current Operations – Highway Trust Fund</b>	<b>FY 2019-2020</b>	<b>FY 2020-2021</b>
Program Administration	\$35,626,560	\$35,626,560
Bonds	88,334,015	56,824,500
Turnpike Authority	49,000,000	49,000,000
State Ports Authority	45,000,000	45,000,000
FHWA State Match	4,640,000	4,640,000
Strategic Prioritization Funding Plan for Transportation Investments	1,376,699,425	1,465,308,940
Transfer to Visitor Center	400,000	400,000
<b>Total Highway Trust Fund Appropriations</b>	<b>\$1,599,700,000</b>	<b>\$1,656,800,000</b>

#### **HIGHWAY TRUST FUND AVAILABILITY**

**SECTION 2.4.** The Highway Trust Fund availability used in developing the 2019-2021 fiscal biennial budget is shown below:

<b>Highway Trust Fund Availability</b>	<b>FY 2019-2020</b>	<b>FY 2020-2021</b>
Highway Use Tax	\$833,900,000	\$855,500,000
Motor Fuels Tax	618,500,000	636,400,000
Fees	145,300,000	162,900,000

Investment Income	2,000,000	2,000,000
<b>Total Highway Trust Fund Availability</b>	<b>\$1,599,700,000</b>	<b>\$1,656,800,000</b>

**PART III. ADJUSTMENTS**

**HIGHWAY FUND/USE OF HIGHWAY FUND APPROPRIATIONS**

**SECTION 3.1.** Of the funds appropriated in this act to the Department of Transportation from the Highway Fund, the sum of one hundred ninety-eight million four hundred ninety-one thousand eight hundred nine dollars (\$198,491,809) for the 2019-2020 fiscal year and the sum of two hundred ninety-two million nine hundred ninety-eight thousand nine hundred fifty-seven dollars (\$292,998,957) for the 2020-2021 fiscal year shall be used as follows:

- (1) Rest Area (Fund Code 1069) – \$100,000 in recurring funds for the 2019-2021 fiscal biennium for the acquisition and maintenance of the Ellerbe Rest Area.
- (2) General Maintenance Reserve (Fund Code 0934) – \$54,548,272 in recurring funds for the 2019-2020 fiscal year and \$111,738,725 in recurring funds for the 2020-2021 fiscal year for general maintenance activities to address critical maintenance needs.
- (3) Contract Resurfacing (Fund Code 7824) – \$7,173,272 in recurring funds for the 2019-2020 fiscal year and \$29,738,724 in recurring funds for the 2020-2021 fiscal year for contract resurfacing projects.
- (4) Bridge Program (Fund Code 7839) – \$400,000 in recurring funds for the 2019-2020 fiscal year and \$500,000 in recurring funds for the 2020-2021 fiscal year for the Bridge Program due to a projected increase in revenue estimates, per G.S. 119-18.
- (5) Road and Highway Improvements (Fund Code 7818) – \$10,543,869 in nonrecurring funds for the 2019-2020 fiscal year for road and highway improvements, including road widening, school and airport entrances, and other safety projects.
- (6) Capital, Repairs, and Renovations (Fund Code 7826) – \$8,201,222 in nonrecurring funds for the 2019-2020 fiscal year and \$7,707,500 in nonrecurring funds for the 2020-2021 fiscal year for facility repairs for several buildings at Division and District locations.
- (7) Aviation Fuel Tax – Statutory Adjustment (Fund Code 7830) – \$700,000 in recurring funds for the 2019-2020 fiscal year and \$6,800,000 in recurring funds for the 2020-2021 fiscal year based upon the February consensus revenue estimate for the Aviation Fuel Tax. Per G.S. 105-164.44M, the tax collection proceeds are used for improvements to public airports and related economic development purposes.
- (8) Unmanned Aircraft Systems (UAS) Program (Fund Code 7830) – \$2,000,000 in nonrecurring funds for the 2019-2020 fiscal year and \$2,000,000 in nonrecurring funds for the 2020-2021 fiscal year for the purchase of equipment, including aircraft systems, mobile command systems, and associated technology.
- (9) Commercial Airport Funds (Fund Code 7830) – \$43,717,869 in recurring funds for the 2019-2021 fiscal biennium to support commercial airports across the State.
- (10) General Airport Improvements (Fund Code 7830) – \$9,500,000 in nonrecurring funds for the 2019-2020 fiscal year and \$6,900,000 in nonrecurring funds for the 2020-2021 fiscal year for general aviation airports

- for improvement projects, including runways, facility repairs, and office upfitting.
- (11) North Carolina Railroad Company Dividend Payment – FRRCSI Program (Fund Code 7829) – \$100,000 in recurring funds for the 2019-2020 fiscal year and \$200,000 in recurring funds for the 2020-2021 fiscal year based upon the percentage of its income as required in G.S. 124-5.1.
  - (12) Technical Adjustment – FRRCSI Program (Fund Code 7829) – \$550,000 in recurring funds for the 2019-2021 fiscal biennium adjustment based upon the forecast and the actual NCCR dividend payment.
  - (13) Freight Rail & Rail Crossing Safety Improvement (FRRCSI) Program Increase (Fund Code 7829) – \$8,000,000 in recurring funds for the 2019-2021 fiscal biennium for the FRRCSI grant program.
  - (14) Congestion Mitigation and Air Quality (CMAQ) Matching Funds (Fund Code 7829) – \$1,725,000 in nonrecurring funds for the 2020-2021 fiscal year for matching federal funds to conduct overhaul activities for the Carolinian locomotives and increased diesel expenditures.
  - (15) Locomotives Overhaul (Fund Code 7845) – \$2,150,000 in nonrecurring funds for the 2019-2020 fiscal year and \$2,150,000 in nonrecurring funds for the 2020-2021 fiscal year to conduct overhaul activities for the Piedmont locomotives and cars.
  - (16) Train Station Maintenance Fund (Fund Code 7829) – \$1,500,000 in nonrecurring funds for the 2019-2020 fiscal year for the maintenance of train stations.
  - (17) Passenger Ferry Lease (Fund Code 7825) – \$1,000,000 in nonrecurring funds for the 2019-2020 fiscal year to lease a passenger ferry boat for the Ocracoke passenger ferry service.
  - (18) Ferry Division Operating Budget (Fund Code 7825) – \$3,500,000 in recurring funds for the 2019-2020 fiscal year and \$5,000,000 in recurring funds for the 2020-2021 fiscal year for increased projected operations and maintenance expenditures.
  - (19) New Lease for Headquarters (Fund Code 7050) – \$1,200,000 in recurring funds and \$4,000,000 in nonrecurring funds for the 2019-2020 fiscal year and \$2,500,000 in recurring funds for the 2020-2021 fiscal year to lease the new DMV Headquarters beginning February 2020 and for relocation expenses, including moving, upfitting, and equipment setup.
  - (20) DMV Raleigh LPA Window Lease (Fund Code 7050) – \$96,000 in recurring funds for the 2019-2020 fiscal year and \$288,000 in recurring funds for the 2020-2021 fiscal year for the State-operated License Plate Agency lease, including utilities, located in the City of Raleigh.
  - (21) License Plate Agency Compensation (Fund Code 7055) – \$5,300,000 in recurring funds for the 2019-2021 fiscal biennium for increased compensation funding for License Plate Agencies (LPAs).
  - (22) License Plate Agency Rate Increase (Fund Code 7055) – \$3,035,172 in recurring funds for the 2019-2020 fiscal year and \$6,167,508 in recurring funds for the 2020-2021 fiscal year to increase the transaction rate paid to LPAs by twenty-eight percent (28%).
  - (23) Driver License Examiner (Fund Code 7055) – \$75,507 in recurring funds for the 2019-2021 fiscal biennium to create one full-time equivalent position for the Andrews Driver License Office in Cherokee County.
  - (24) Transfers (Fund Codes 0852, 0862, 0864, 0865, 0869, 0889, 0893, 1260, 7834) –

- a. Global TransPark Repairs – \$658,000 in nonrecurring funds for the 2019-2020 fiscal year to continue repairs to the terminal parking lot, airfield parking, north cargo building, T hangars, and loading docks.
  - b. NC Ports Authority – \$5,500,000 in nonrecurring funds for the 2019-2020 fiscal year and \$5,500,000 in nonrecurring funds for the 2020-2021 fiscal year to raise the power lines across the Cape Fear River near the Wilmington ports facility by 41 feet to allow for increased air draft and an overall clearance of 212 feet.
- (25) Department Wide –
- a. Compensation Increase Reserve – \$4,434,229 in recurring funds for the 2019-2020 fiscal year and \$8,868,458 in recurring funds for the 2020-2021 fiscal year to fund an across-the-board salary increase of two and one-half percent (2.5%), effective July 1, 2019, and an additional two and one-half percent (2.5%) increase, effective July 1, 2020.
  - b. State Retirement Contributions – \$3,937,223 in recurring funds and \$530,669 in nonrecurring funds for the 2019-2020 fiscal year and \$9,894,412 in recurring funds and \$530,669 in nonrecurring funds for the 2020-2021 fiscal year to increase the State's contribution for members of the Teachers' and State Employees' Retirement System (TSERS) supported by the Highway Fund to fund the actuarially determined contribution and increased retiree medical premiums, and to provide one-half of one percent (0.5%) one-time cost-of-living supplements to retirees.
  - c. State Health Plan – \$1,262,399 in recurring funds for the 2019-2020 fiscal year and \$3,393,479 in recurring funds for the 2020-2021 fiscal year to fund health benefit coverage for enrolled active employees supported by the Highway Fund.
  - d. Short-Term Disability – \$171,184 in recurring funds for the 2019-2021 fiscal biennium to pay short-term disability benefits under S.L. 2018-52.
  - e. Multi-State Highway Planning Funds – \$1,500,000 in nonrecurring funds for the 2020-2021 fiscal year to continue enhancing the southern region's economic development projects.
  - f. Logistics and Freight Program – \$250,000 in nonrecurring funds for the 2019-2020 fiscal year and \$250,000 in nonrecurring funds for the 2020-2021 fiscal year for the newly established Logistics and Freight Program to enhance logistics coordination, economic development, data management, and education training for Department of Transportation staff and external partners.
  - g. Data Analytics – \$1,300,000 in recurring funds and \$4,500,000 in nonrecurring funds for the 2019-2020 fiscal year and \$1,300,000 in recurring funds and \$4,500,000 in nonrecurring funds for the 2020-2021 fiscal year to enhance the Department of Transportation's existing contract for transportation analytics services.
- (26) Public Transportation – State Maintenance Assistance Program (SMAP)(Fund Code: 7831) – \$8,556,922 in recurring funds for the 2019-2021 fiscal biennium to restore the reduction taken in the 2018-2019 fiscal year.
- (27) Powell Bill Program (Fund Code 7836) – \$7,375,000 in recurring funds for the 2020-2021 fiscal year to provide additional funds for municipalities with populations of 200,000 or less to maintain their road infrastructure.

## **HIGHWAY FUND REDUCTIONS**

**SECTION 3.2.** Of the funds appropriated in this act to the Department of Transportation from the Highway Fund, the sum of forty-six million five hundred sixty-five thousand seven hundred four dollars (\$46,565,704) for the 2019-2020 fiscal year and the sum of forty-one million two hundred eighty-eight thousand two hundred two dollars (\$41,288,202) for the 2020-2021 fiscal year shall be reduced as follows:

- (1) Bridge Program (Fund Code 7839) – \$20,000,000 in nonrecurring funds for the 2019-2020 fiscal year from the Bridge Program.
- (2) Mobility Modernization Program (Fund Code 7844) – \$6,000,000 in nonrecurring funds for the 2019-2020 fiscal year from the Mobility Modernization Program.
- (3) Bridge Preservation Program (Fund Code 7842) – \$4,552,518 in recurring funds and \$265,334 in nonrecurring funds for the 2019-2020 fiscal year and \$12,163,767 in recurring funds and \$265,334 in nonrecurring funds for the 2020-2021 fiscal year from the Bridge Preservation Program.
- (4) Pavement Preservation Program (Fund Code 7841) – \$4,552,517 in recurring funds and \$265,335 in nonrecurring funds for the 2019-2020 fiscal year and \$12,163,766 in recurring funds and \$265,335 in nonrecurring funds for the 2020-2021 fiscal year from the Pavement Preservation Program.
- (5) Freight Rail & Rail Crossing Safety Improvement (FRRCSI) (Fund Code 7829) – \$4,100,000 in recurring funds for the 2019-2020 fiscal year and \$4,200,000 in recurring funds for the 2020-2021 fiscal year from the FRRCSI program, due to repeal of the North Carolina Railroad Company dividend payment to the Highway Fund.
- (6) Workers' Compensation Reserve (Fund Code 1289) – \$6,830,000 in recurring funds for the 2019-2021 fiscal biennium from elimination of the reserve for workers' compensation.

## **HIGHWAY FUND CONTINGENT REDUCTION**

**SECTION 3.2A.** If Section 41.8 of House Bill 966, 2019 Regular Session, or substantially similar legislation, becomes law, \$5,400,000 in recurring funds for the 2020-2021 fiscal year shall be reduced from the aviation program (Fund Code 7830) in the Department of Transportation.

## **TECHNICAL ADJUSTMENT**

**SECTION 3.3.** Department-Wide Technical Adjustment – The Department of Transportation, in conjunction with the Office of State Budget and Management, shall adjust and certify the fiscal year 2019-2021 biennial budget to remove \$4,116,995,220 in requirements and \$4,116,995,220 in receipts that are double-budgeted in the Department of Transportation budget.

## **HIGHWAY TRUST FUND/ USE OF HIGHWAY TRUST FUND APPROPRIATIONS**

**SECTION 3.4.** Of the funds appropriated in this act to the Department of Transportation from the Highway Trust Fund, the sum of forty-nine million four hundred sixty-two thousand four hundred thirty-seven dollars (\$49,462,437) for the 2019-2020 fiscal year and the sum of one hundred sixty-six million three hundred thirty-six thousand four hundred fifty-two dollars (\$166,336,452) for the 2020-2021 fiscal year shall be used as follows:

- (1) Debt Service (Fund Code 6005) – \$17,310,000 in recurring funds for the 2019-2020 fiscal year and \$27,690,000 in recurring funds for the 2020-2021 fiscal year for debt service on principal payments due.

- (2) Debt Service – Interest (Fund Code 6006) – \$11,250,000 in recurring funds for the 2019-2020 fiscal year and \$29,134,500 in recurring funds for the 2020-2021 fiscal year for debt service payments to reflect the interest due based upon the repayment schedule.
- (3) Strategic Transportation Initiatives (Fund Code 9075) – \$20,902,437 in recurring funds for the 2019-2020 fiscal year and \$109,511,952 in recurring funds for the 2020-2021 fiscal year for the Strategic Transportation Investments Program (STIP), the State's capital infrastructure program.

**PART IV. DEPARTMENT OF TRANSPORTATION**

**CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS**

**SECTION 4.1.(a)** Subsections (b) and (c) of Section 34.1 of S.L. 2018-5 are repealed.

**SECTION 4.1.(b)** The General Assembly authorizes and certifies anticipated revenues for the Highway Fund as follows:

For Fiscal Year 2021-2022	\$2,436 million
For Fiscal Year 2022-2023	\$2,473 million
For Fiscal Year 2023-2024	\$2,506 million
For Fiscal Year 2024-2025	\$2,605 million

**SECTION 4.1.(c)** The General Assembly authorizes and certifies anticipated revenues for the Highway Trust Fund as follows:

For Fiscal Year 2021-2022	\$1,689 million
For Fiscal Year 2022-2023	\$1,727 million
For Fiscal Year 2023-2024	\$1,760 million
For Fiscal Year 2024-2025	\$1,811 million

**SECTION 4.1.(d)** The Department of Transportation, in collaboration with the Office of State Budget and Management, shall develop a four-year revenue forecast. The first fiscal year in the four-year revenue forecast shall be the 2025-2026 fiscal year. The four-year revenue forecast developed under this subsection shall be used (i) to develop the four-year cash flow estimates included in the biennial budgets, (ii) to develop the Strategic Transportation Improvement Program, and (iii) by the Department of the State Treasurer to compute transportation debt capacity.

**CAPITAL, REPAIRS, AND RENOVATIONS**

**SECTION 4.2.** The funds appropriated in this act from the Highway Fund to the Department of Transportation for the 2019-2020 fiscal year for capital, repairs, and renovations are allocated as follows:

<b>Capital – Highway Fund</b>	<b>2019-2020</b>	<b>2020-2021</b>
Polk Maintenance Shop Replacement	\$1,738,882	\$0
Ocracoke Ferry Quarters	\$833,000	\$0
Currituck Maintenance & Storage	\$1,044,340	\$0
Northampton Equipment Shop	\$0	\$3,000,000
<b>Repairs and Renovations – Highway Fund</b>		
Statewide Roof Repairs/Replacement	\$1,050,000	\$1,050,000
Statewide Demolition of Obsolete Buildings	\$350,000	\$350,000
Statewide Water and Sewer	\$525,000	\$525,000
Statewide Asbestos Abatement	\$350,000	\$350,000
Statewide ADA Compliance	\$525,000	\$525,000
Statewide Small Office Repair and Renovation	\$1,225,000	\$1,452,500
Statewide Security Upfits	\$280,000	\$350,000



Replace 20 Rooftop HVAC Units at Century Center	\$105,000	\$105,000
Art Museum Basement Concrete Repair	\$175,000	\$0

## CONTINGENCY FUNDS

**SECTION 4.3.** The funds appropriated in this act to the Department of Transportation, Construction – Contingency Fund Code for the 2019-2020 fiscal year shall be allocated statewide for rural or small urban highway improvements and related transportation enhancements to public roads and public facilities, industrial access roads, railroad infrastructure, and spot safety projects, including pedestrian walkways that enhance highway safety. Projects funded pursuant to this section require prior approval by the Secretary of Transportation. Funds allocated under this section shall not revert at the end of the applicable fiscal year but shall remain available until expended. The use of funds that do not revert under this section is not restricted to the fiscal year in which the funds were allocated.

## END NORTH CAROLINA RAILROAD DIVIDEND

**SECTION 4.4.(a)** G.S. 124-5.1 reads as rewritten:

**"§ 124-5.1. ~~North Carolina Railroad Company dividends deposited to Highway Fund. The Freight Rail & Rail Crossing Safety Improvement Fund.~~**

~~Any dividends of the North Carolina Railroad Company received by the State shall be deposited into the~~ The Freight Rail & Rail Crossing Safety Improvement Fund is a fund within the Highway Fund and administered by the Rail Division of the Department of Transportation. The Fund shall be used for the enhancement of freight rail service, short-line railroad assistance, and railroad-roadway crossing safety, which may include the following project types:

- (1) Track and associated infrastructure improvements for freight service.
- (2) Grade crossing protection, elimination, and hazard removal.
- (3) Signalization improvements.
- (4) Assistance for projects to improve rail access to industrial, port, and military facilities and for freight intermodal facility improvements, provided that funding assistance under this subdivision shall be subject to the same limits as that for short-line railroads under G.S. 136-44.39.
- (5) Corridor protection and reactivation.
- (6) Subject to federal or other state law, improvements to rail lines and corridors in this State and through portions of a bordering state for the purpose of connecting with the national railroad system.
- (7) Other short-line railroad projects.

The Fund may also be used to supplement funds allocated for freight rail or railroad-roadway crossing safety projects approved as part of the Transportation Improvement Program."

**SECTION 4.4.(b)** G.S. 124-18 is repealed.

## REPORT ON MPO AND RPO VOTING POWER DISTRIBUTION

**SECTION 4.5.** By March 15, 2020, the Department of Transportation shall submit a report containing the following information to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division:

- (1) The process used and guidelines followed by Metropolitan Planning Organizations and Rural Transportation Planning Organizations in determining how to distribute voting power among their voting members.
- (2) Other state laws to determine if and how other states regulate the distribution of voting power among the voting members of Metropolitan Planning Organizations and Rural Transportation Planning Organizations.
- (3) Methods to ensure regional governance under a weighted voting structure.
- (4) Quorum determination by members present instead of by weighted vote.

- (5) Methods to accomplish redesignation in which each municipality has equal voting power.
- (6) Any other topic or issue the Department determines to be relevant to the report.

**GENERAL AIRPORT FUNDING**

**SECTION 4.7.(a)** General Airport Allocations. – Of the funds appropriated in this act to the Department of Transportation for General Airport Improvements, the following sums in nonrecurring funds shall be allocated as follows:

<b>General Airport</b>	<b>2019-2020</b>	<b>2020-2021</b>
Johnston Regional Airport	\$2,650,000	\$2,500,000
Lee County Executive Airport	\$1,500,000	\$0
Laurinburg-Maxton Airport	\$4,000,000	\$4,000,000
Statesville Regional Airport	\$250,000	\$0
Cape Fear Regional Jetport	\$350,000	\$150,000
Gastonia Municipal Airport	\$250,000	\$250,000
Rockingham County NC Shiloh Airport	\$500,000	\$0

**SECTION 4.7.(b)** Permissible Uses, Reporting, and Return of Funds. – Each airport receiving funds under this section may use the funds allocated to it under this section to (i) fund improvements to the airport and (ii) pay debt service or related financing costs and expenses on revenue bonds or notes issued by the airport. The Department of Transportation shall not allocate funds to an airport under this section until that airport has provided a report outlining how the airport will use the funds in conformance with the purposes of the program. No later than 45 days from the date the Department receives the report required under this subsection, the Department shall make a determination whether the intended use of the funds matches the purposes of the program and, if so, allocate funds under this section to the compliant airport. An airport that receives funds under this section shall return the funds to the Department if the funds are in the possession or control of the airport and not expended or encumbered by August 31 of the year following the fiscal year in which the Department makes the allocation. All funds returned to the Department under this section, or retained by the Department for failure of an airport to submit a report under this subsection, shall be credited to the fund from which they were appropriated and shall remain unexpended and unencumbered until appropriated by the General Assembly.

**SECTION 4.7.(c)** Limitation. – Notwithstanding any provision of law to the contrary, the allocation of funds under this section, the enactment of this section, and the issuance of bonds or notes by the airports in reliance thereon shall not in any manner constitute a pledge of the full faith and credit and taxing power of the State. A security interest shall not be granted in funds allocated under this section.

**SECTION 4.7.(d)** Report. – The Department of Transportation shall provide a report on the use or uses by each airport of funds allocated to the airport under this section. The Department shall submit the report required under this subsection by March 15, 2020, to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division.

**BUDGETING DOT LEGISLATIVE SALARY INCREASES**

**SECTION 4.8.(a)** The amount of funds appropriated for legislative salary increases for employees of the Department of Transportation (Department) shall be budgeted on a recurring basis in the correct Fund Code that corresponds to the positions it supports. Any transfer and use of the funds for any other purpose shall be done on a nonrecurring basis, except for the purpose of retirement and health benefits.

**SECTION 4.8.(b)** The Department shall report to the Joint Legislative Oversight Committee on Transportation the amount allocated to each division or unit no more than 30 days after an allocation has occurred.

## **PURCHASE AND MAINTENANCE OF ELLERBE REST AREA**

**SECTION 4.9.(a)** Notwithstanding Article 6 of Chapter 146 of the General Statutes and any other provision of law to the contrary, of the funds appropriated in this act to the Department of Transportation (Department), the Department shall purchase the real property and buildings located in Richmond County at 2509 U.S. Highway 220 North, also known as the Ellerbe Rest Area, for a commercially reasonable price from the Town of Ellerbe.

**SECTION 4.9.(b)** Upon the purchase of the Ellerbe Rest Area, the Department shall maintain the Ellerbe Rest Area, erect signage to notify the traveling public of its location, and update applicable Department publications and its Web site.

## **DOT RECLASSIFICATION AUTHORITY FOR CERTAIN POSITIONS**

**SECTION 4.10.** Notwithstanding any other provision of law to the contrary, the Department of Transportation may reclassify nine vacant positions, pursuant to the classification system established by the State Human Resources Commission, to the following positions:

- (1) One full-time equivalent (FTE) position in the Office of Civil Rights, an Equal Employment Opportunity Program Specialist.
- (2) Six FTE positions in the Division of Motor Vehicles for records adjudications, maintenance, and integrity.
- (3) Two FTE positions in the Office of Strategic Initiatives and Program Support, an Engineer Manager I and an Engineer II.

## **BRIDGE NAMING**

**SECTION 4.11.** Notwithstanding any provision of law to the contrary, the Department of Transportation shall designate the bridges described in the subdivisions below as follows:

- (1) The bridge over Stanley Creek on Black Snake Road between Millman Road and Chestnut Street Extension located in the Town of Stanley in Gaston County as the "Lance Corporal Nicholas S. O'Brien, U.S.M.C. Bridge."
- (2) The bridge over Deep River on S. Carbondon Road between Harrington Road and Alston House Road located in Moore County as the "Corporal J. Ralph Holder Bridge."

## **CODIFY MOBILITY/MODERNIZATION FUND**

**SECTION 4.12.(a)** Chapter 136 of the General Statutes is amended by adding a new Article to read:

"Article 14C.

"Mobility/Modernization Fund.

### **"§ 136-189.20. Spot Mobility Program.**

(a) Of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund, forty percent (40%) of the funds shall be used for a Spot Mobility Program that shall be managed by the State Traffic Engineer of the Department of Transportation. The purpose of the Spot Mobility Program is to provide funding for small projects that will reduce traffic congestion and vehicular delay times. The Department shall develop a quantitative, evidence-based formula to use in selecting projects to receive funding from the Spot Mobility Program. At a minimum, the Department shall consider all of the following in developing the formula required by this section:

- (1) The travel-time savings resulting from the proposed project.
- (2) Reductions to motor vehicle queues resulting from the proposed project.
- (3) The service life of the proposed project.
- (4) The benefit-cost ratio of the proposed project.

(b) In selecting projects to receive funding from the Spot Mobility Program, the Department shall give preference to projects that will improve access from the State highway system to a school. For purposes of this section, the term "school" means any facility engaged in the educational instruction of children in any grade or combination of grades from kindergarten through the twelfth grade at which attendance satisfies the compulsory attendance law and includes charter schools as authorized under G.S. 115C-218.5.

**"§ 136-189.21. Economic development; small construction; industrial access.**

Of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund, twelve percent (12%) of the funds shall be used for the following purposes:

- (1) For prioritized transportation improvements and infrastructure that expedite commercial growth as well as either job creation or job retention.
- (2) For small construction projects recommended by the Chief Engineer in consultation with the Chief Operating Officer and approved by the Secretary of Transportation. Funds used in accordance with this subdivision shall be allocated equally among the 14 highway divisions for small construction projects.
- (3) For the development and expansion of access roads to industrial facilities.

**"§ 136-189.22. High-impact and low-cost construction projects.**

Of the funds appropriated to the Mobility/Modernization Fund in the Highway Fund, forty-eight percent (48%) of the funds shall be used for construction projects that are high impact and low cost. The funds shall be allocated equally among the 14 highway divisions. Projects funded under this section include intersection improvement projects, minor widening projects, and operational improvement projects. The Department shall develop a quantitative, evidence-based formula to use in selecting projects to receive funding under this section. At a minimum, the Department shall consider all of the following in developing the formula required by this section:

- (1) The average daily traffic volume of a roadway and whether the proposed project will generate additional traffic.
- (2) Any restrictions on a roadway.
- (3) Any safety issues with a roadway.
- (4) The condition of the lanes, shoulders, and pavement on a roadway.
- (5) The sight distance and radius of any intersection on a roadway.

**"§ 136-189.23. Annual report.**

The Department shall submit to the Joint Legislative Transportation Oversight Committee and to the Fiscal Research Division an annual report beginning March 1, 2020, detailing (i) the types of projects funded under this Article and (ii) the total amount of funding allocated to each project funded under this Article."

**SECTION 4.12.(b)** Conforming Repeal. – Subsections (a) through (d) of Section 34.7 of S.L. 2017-57 are repealed.

## **DMV/HEARINGS UNIT ALIGNMENT**

**SECTION 4.13.(a)** Revised Budget. – The Office of State Budget and Management, in consultation with the Division of Motor Vehicles, shall adjust the Hearings Unit's certified budget for the 2019-2020 fiscal year to correctly align total requirements and receipts to reflect the requirement set forth in Section 34.9 of S.L. 2014-100, as amended by Section 29.30A of S.L. 2015-241, Section 34.32 of S.L. 2017-57, and Section 34.23 of S.L. 2018-5, that all functions, activities, and personnel associated with administering and conducting the hearings be fully receipt-supported from the fee proceeds collected by the Hearings Unit. This adjustment shall be completed by January 1, 2020.

**SECTION 4.13.(b)** Report. – The Division of Motor Vehicles is required to report on any organizational changes occurring October 1, 2018, through October 1, 2019, to the Joint

Legislative Transportation Oversight Committee, the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division. This report shall be submitted by January 1, 2020, and shall include the following:

- (1) The role and responsibilities of each full-time equivalent (FTE) moved in or out of Fund Code 1304.
- (2) The budgeted salary and benefits of each FTE moved in or out of Fund Code 1304.
- (3) Justification of movement in or out of Fund Code 1304.
- (4) Funding source before and after move, including Fund Code.
- (5) The certified budget for the 2019-2020 fiscal year with total requirements, receipts, and FTEs.

## **DMV/ONLINE PERFORMANCE DASHBOARD TO INCLUDE DMV REGISTRATIONS OF HYBRID AND ELECTRIC VEHICLES**

**SECTION 4.14.(a)** Expand Performance Dashboard. – The Department of Transportation shall expand its performance dashboard available on the Department's home page of the Department's Web site to track the following information about the Division of Motor Vehicles:

- (1) The number of conventional hybrid vehicle new registrations issued per month and year-to-date.
- (2) The number of conventional hybrid vehicle registrations renewed per month and year-to-date.
- (3) The total number of conventional hybrid vehicles currently registered.
- (4) The number of plug-in hybrid vehicle new registrations issued per month and year-to-date.
- (5) The number of plug-in hybrid vehicle registrations renewed per month and year-to-date.
- (6) The total number of plug-in hybrid vehicles currently registered.
- (7) The number of plug-in electric vehicle new registrations issued per month and year-to-date.
- (8) The number of plug-in electric vehicle registrations renewed per month and year-to-date.
- (9) The total number of plug-in electric vehicles currently registered.

**SECTION 4.14.(b)** Definitions. – For purposes of this section: (i) a "conventional hybrid vehicle" means a vehicle that uses both a motor fuel engine and an electric motor that cannot be plugged in and recharged, (ii) a "plug-in hybrid vehicle" means a vehicle that uses both a motor fuel engine and an electric motor with a battery that may be recharged by plugging into an outlet or charging station, and (iii) a "plug-in electric vehicle" means a vehicle that exclusively uses an on-board battery that may be recharged by plugging into an outlet or charging station.

**SECTION 4.14.(c)** Implementation Date. – The expansion of the Department's performance dashboard required under subsection (a) of this section shall be completed by January 1, 2020.

## **DMV/REDUCE NUMBER OF YEARS FOR A VEHICLE TO QUALIFY FOR AN ANTIQUE REGISTRATION PLATE**

**SECTION 4.15.(a)** G.S. 20-79.4(b)(94) reads as rewritten:

- "(94) Historic Vehicle Owner. – Issuable for a motor vehicle that is at least ~~35 years~~ 30 years old measured from the date of manufacture. The plate for an historic vehicle shall bear the word "Antique" unless the vehicle is a model year 1943 or older. The plate for a vehicle that is a model year 1943 or older

shall bear the word "Antique" or the words "Horseless Carriage", at the option of the vehicle owner."

**SECTION 4.15.(b)** This section is effective when it becomes law and applies to applications for Historic Vehicle Owner registration plates made on or after that date.

#### **DMV/RFP FOR NEW OFFICE SPACE FOR DMV RALEIGH STATE LICENSE PLATE AGENCY AND REPORTS RELATED TO MOVE FROM NEW BERN AVENUE BUILDING**

**SECTION 4.16.(a)** The Department of Administration (Department) is directed to review the inventory of State-owned office space in the City of Raleigh for purposes of relocating the Division of Motor Vehicles State License Plate Agency located on New Bern Avenue. If by January 1, 2020, the Department is unable to locate suitable office space, the Department shall issue a request for proposal (RFP) within 30 days seeking new office space for lease or purchase for the State License Plate Agency. The geographic scope of the RFP shall be the City of Raleigh.

**SECTION 4.16.(b)** By March 15, 2020, the Department, in consultation with the Division of Motor Vehicles (Division), shall submit a report to the Joint Legislative Transportation Oversight Committee, the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division containing the following information: (i) results of the review of State-owned office space in the City of Raleigh suitable for the State License Plate Agency, (ii) the RFP issued and a summary of all responses to the RFP, and (iii) the estimated cost to relocate the State License Plate Agency.

**SECTION 4.16.(c)** At least 30 days prior to approval by the Council of State of the lease or purchase of new office space for the State License Plate Agency, the Department of Administration shall submit a report detailing the agreement to the Joint Legislative Transportation Oversight Committee, the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division.

**SECTION 4.16.(d)** By January 15, 2021, the Division shall submit a report to the Joint Legislative Transportation Oversight Committee, the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division containing the following information: (i) an itemized list of expenses associated with the Division Headquarters relocation, (ii) an itemized list of expenses associated with the State License Plate Agency relocation, and (iii) lease rates and agreements for both locations.

#### **DMV/TOWN OF MARSHALL**

**SECTION 4.17.** The Division of Motor Vehicles shall reopen a Division office in the Town of Marshall, with the same hours of operation and services the office had provided before it closed, by January 1, 2020.

#### **DMV/ADJUSTMENT OF LPA COMPENSATION**

**SECTION 4.18.(a)** G.S. 20-63(h) reads as rewritten:

"(h) Commission Contracts for Issuance of Plates and Certificates. – All registration plates, registration certificates, and certificates of title issued by the Division, outside of those issued from the office of the Division located in Wake, Cumberland, or Mecklenburg Counties and those issued and handled through the United States mail, shall be issued insofar as practicable and possible through commission contracts entered into by the Division for the issuance of the plates and certificates in localities throughout North Carolina, including military installations within this State, with persons, firms, corporations or governmental subdivisions of the State of North Carolina. The Division shall make a reasonable effort in every locality, except as noted

above, to enter into a commission contract for the issuance of the plates and certificates and a record of these efforts shall be maintained in the Division. In the event the Division is unsuccessful in making commission contracts, it shall issue the plates and certificates through the regular employees of the Division. Whenever registration plates, registration certificates, and certificates of title are issued by the Division through commission contract arrangements, the Division shall provide proper supervision of the distribution. Nothing contained in this subsection allows or permits the operation of fewer outlets in any county in this State than are now being operated.

The terms of a commission contract entered under this subsection shall specify the duration of the contract and either include or incorporate by reference standards by which the Division may supervise and evaluate the performance of the commission contractor. The duration of an initial commission contract may not exceed eight years and the duration of a renewal commission contract may not exceed two years. The Division may award monetary performance bonuses, not to exceed an aggregate total of ninety thousand dollars (\$90,000) annually, to commission contractors based on their performance.

The amount of compensation payable to a commission contractor is determined on a per transaction basis. The collection of the highway use tax and the removal of an inspection stop are each considered a separate transaction for which ~~one dollar and thirty cents (\$1.30)~~ one dollar and fifty-six cents (\$1.56) compensation shall be paid. The issuance of a limited registration "T" sticker and the collection of property tax are each considered a separate transaction for which compensation at the rate of one dollar and thirty cents (\$1.30) and one dollar and eight cents (\$1.08) respectively, shall be paid by counties and municipalities as a cost of the combined motor vehicle registration renewal and property tax collection system. The performance at the same time of one or more of the transactions below is considered a single transaction for which ~~one dollar and forty-six cents (\$1.46)~~ one dollar and seventy-five cents (\$1.75) compensation shall be paid:

- (1) Issuance of a registration plate, a registration card, a registration sticker, or a certificate of title.

...."

**SECTION 4.18.(b)** This section is effective when it becomes law and applies to transactions on or after that date.

#### **DMV/DEVELOP DRIVERS LICENSE OFFICE STAFFING PLANS**

**SECTION 4.19.(a)** The Department of Transportation, Division of Motor Vehicles (DMV) shall develop and evaluate plans to staff all Drivers License Offices currently open a minimum of five days per week with a minimum of three full-time equivalent (FTE) employees by considering the following options:

- (1) The reallocation of existing staff in Drivers License Offices, including an estimate of employee attrition, additional costs to the Division, an estimated time line for employee reallocation, and any other factor deemed relevant by the Division.
- (2) An estimate of the costs of hiring additional FTE employees, including the hiring, training, salaries, and other costs as deemed appropriate by the Division. This option shall include an estimated time line for hiring, training, and placing employees until all Drivers License Offices have a minimum of three FTE employees.
- (3) Staffing Drivers License Offices with part-time staff equivalent to three FTE employees, including hiring, training, salaries, and other costs as deemed appropriate by the Division. This option shall include an estimated time line for hiring, training, and placing employees until all Drivers License Offices have a minimum of three FTE employees.

- (4) The reallocation of FTE employees from other units within the Department of Transportation. This option shall include estimated costs and a time line for training and placing employees until all Drivers License Offices have a minimum of three FTE employees.

**SECTION 4.19.(b)** A report outlining these options and a final recommendation shall be submitted to the Joint Legislative Transportation Oversight Committee, the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division by March 1, 2020.

#### **FERRY/PASSENGER FERRY FUNDS**

**SECTION 4.20.** The Department of Transportation, Ferry Division, may enter into a contract to lease a passenger ferry vessel for operation between Hatteras and Ocracoke from May 20, 2019, to September 5, 2019, without complying with the provisions of Article 8 of Chapter 143 of the General Statutes, G.S. 136-28.1, or any other provision of law to the contrary. Of the funds appropriated in this act to the Department, any lease entered into pursuant to this section shall not exceed one million dollars (\$1,000,000).

#### **FERRY TOLL STUDY**

**SECTION 4.21.(a)** The Department of Transportation shall study the feasibility of raising ferry tolls for nonresidents. The study shall consider the following:

- (1) The permissibility under the United States Constitution and any other applicable law of charging higher ferry tolls to nonresidents than to residents. If permissible, a summary of the legal justification the Department may need to provide and any legal restrictions that may apply.
- (2) An analysis of the current number, and future projection, of nonresidents that use North Carolina ferries by ferry route and feasibility of creating a differential of tolls for resident and nonresident users.
- (3) An analysis of the cost of toll collection for each route versus revenues collected.
- (4) Exploration of different toll collection methods and streamlining current toll collection processes.
- (5) Any other topic or issue the Department determines to be relevant to the study.

**SECTION 4.21.(b)** By March 15, 2020, the Department shall report its findings from the study, including any legislative recommendations, to the chairs of the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division.

#### **REPORT ON FUNDS APPROPRIATED FOR USE ON RAIL INFRASTRUCTURE**

**SECTION 4.22.(a)** On or before March 1, 2020, the Department of Transportation shall submit an itemized report detailing the use of the funds appropriated in this act for the Piedmont locomotives and cars to the Joint Legislative Transportation Oversight Committee, the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research Division. The report shall include the overhaul policy for locomotives, a locomotives overhaul schedule with budget requirements, and amount of funds expended and committed for overhaul activities.

**SECTION 4.22.(b)** On or before March 1, 2020, the Department of Transportation shall submit an itemized report detailing the use of the funds appropriated in this act for the train station maintenance needs to the Joint Legislative Transportation Oversight Committee, the House of Representatives Appropriations Committee on Transportation, the Senate Appropriations Committee on the Department of Transportation, and the Fiscal Research



Division. The report shall include the eligibility requirements of stations, methodology in allocating funds to stations, allowed uses of funds, and amount of funds expended and committed for projects.

#### **FUNDS FOR SELMA UNION STATION DEPOT**

**SECTION 4.23.** Of the funds appropriated in this act to the Department of Transportation for train station maintenance, the sum of two hundred fifty-seven thousand five hundred dollars (\$257,500) in nonrecurring funds shall be allocated to the Selma Union Station Depot for train station maintenance.

#### **PORTS/RAISING POWER LINES OVER CAPE FEAR RIVER**

**SECTION 4.24.(a)** The nonrecurring funds appropriated in this act to the NC Ports Authority for the 2019-2020 fiscal year to raise the power lines over the Cape Fear River near Wilmington shall only be used for this purpose. The Department of Transportation shall only allocate these funds to the NC Ports Authority on a reimbursement basis after the NC Ports Authority has provided a report that outlines the costs incurred in raising the power lines.

**SECTION 4.24.(b)** The NC Ports Authority shall submit a status report on the use of these funds to the Joint Legislative Transportation Oversight Committee by January 1, 2020, and quarterly thereafter until the project is completed. The status report shall include: contract status, scope of work, work progress, and anticipated completion date.

#### **PART V. MISCELLANEOUS**

##### **STATE BUDGET ACT APPLIES**

**SECTION 5.1.(a)** The provisions of the State Budget Act, Chapter 143C of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

**SECTION 5.1.(b)** The budget enacted by the General Assembly is for the maintenance of the Department of Transportation for the 2019-2021 biennial budget as provided in G.S. 143C-3-5. This budget includes the appropriations of State funds as defined in G.S. 143C-1-1(d)(25).

The Director of the Budget submitted a recommended budget to the General Assembly in the Governor's Recommended Budget and in the Budget Support Document for the Department of Transportation for the 2019-2021 fiscal biennium, dated March 2019. The adjustments to the recommended budget for the Department of Transportation made by the General Assembly are set out in this act.

**SECTION 5.1.(c)** The budget enacted by the General Assembly for the Department of Transportation shall also be interpreted in accordance with the special provisions in this act and other appropriate legislation. In the event that there is a conflict between the line-item budget certified by the Director of the Budget for the Department of Transportation and the budget enacted by the General Assembly for the Department of Transportation, the budget enacted by the General Assembly shall prevail.

##### **APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

**SECTION 5.2.(a)** If House Bill 966, 2019 Regular Session, becomes law, then Part III and Part XL of that act are repealed.

**SECTION 5.2.(b)** Subsection (b) of Section 1.1 of S.L. 2019-209 is repealed. The instructions contained in S.L. 2019-209 governing the implementation of salaries and benefits shall apply to the funds appropriated in this act, for those purposes.

**SECTION 5.2.(c)** Except where expressly repealed or amended, S.L. 2019-15, S.L. 2019-209, and any other enactments affecting the State budget during the 2019 Regular Session of the General Assembly shall remain in effect.

**MOST TEXT APPLIES ONLY TO THE 2019-2021 FISCAL BIENNIUM**

**SECTION 5.3.** Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 2019-2021 fiscal biennium, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 2019-2021 fiscal biennium.

**EFFECT OF HEADINGS**

**SECTION 5.4.** The headings to the Parts, subparts, and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a Part or subpart.

**SEVERABILITY CLAUSE**

**SECTION 5.5.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

**PART VI. EFFECTIVE DATE**

**SECTION 6.1.** Except as otherwise provided, this act becomes effective July 1, 2019.

In the General Assembly read three times and ratified this the 10<sup>th</sup> day of October, 2019.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 2:48 p.m. this 18<sup>th</sup> day of October, 2019