

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1800*

Short Title: Amend Powers of Department of Transportation. (Public)

Sponsors: Representatives Crawford; Dockham, Gill, and Hughes.

Referred to: Transportation, if favorable, Finance.

May 19, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE POWERS OF THE DEPARTMENT OF TRANSPORTATION
3 TO ENTER INTO DEBT AND DEBT-LIKE AGREEMENTS PURSUANT TO ANY
4 PARTNERSHIP AGREEMENT EXCEPT TO THE EXTENT THAT SUCH
5 INDEBTEDNESS IS AUTHORIZED BY LAW.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 136-18(39) reads as rewritten:

8 "(39) To enter into partnership agreements ~~with the North Carolina Turnpike~~
9 ~~Authority, private entities, and authorized political subdivisions to~~
10 ~~finance,~~ that set forth the manner of funding the costs of planning, designing,
11 developing, acquiring, constructing, equipping, maintaining, and operating
12 transportation infrastructure in this State, which costs may be funded by
13 tolls, contracts, and other financing methods authorized by law, the cost of
14 acquiring, constructing, equipping, maintaining, and operating transportation
15 infrastructure in this State, and to plan, design, develop, acquire, construct,
16 equip, maintain, and operate transportation infrastructure in this State, other
17 than this subdivision. An Any partnership agreement entered into under this
18 subdivision may be between the Department and the North Carolina Turn
19 Pike Authority, private entities, and authorized political subdivisions and
20 requires the concurrence approval of the Board of Transportation. The
21 Department shall report to the Chairs of the Joint Legislative Transportation
22 Oversight Committee, the Chairs of the House of Representatives
23 Appropriations Subcommittee on Transportation, and the Chairs of the
24 Senate Appropriations Committee on the Department of Transportation, at
25 the same time it notifies the Board of Transportation of any proposed
26 agreement under this subdivision. The Department shall not incur, directly or
27 indirectly, any indebtedness, including, but not limited to, contract
28 indebtedness or capital lease obligations, pursuant to any partnership
29 agreement entered into under this subdivision except to the extent that such
30 indebtedness is authorized by law, other than this subdivision. Any contracts
31 for construction of highways, roads, streets, and bridges which are awarded
32 pursuant to an agreement entered into under this section shall comply with
33 the competitive bidding requirements of Article 2 of this Chapter."

34 **SECTION 2.** G.S. 143B-350(12a) reads as rewritten:

35 "(12a) To approve partnership agreements with the North Carolina Turnpike
36 Authority, private entities, and authorized political ~~of subdivisions to~~
37 ~~finance, by tolls, contracts, and other financing methods authorized by law,~~



1 ~~the cost~~ subdivisions, if such partnership agreements set forth the manner of
2 funding the costs of planning, designing, acquiring, constructing, equipping,
3 maintaining, and operating transportation infrastructure in this State, with
4 priority given to highways, roads, streets, and bridges."

5 **SECTION 3.** This act becomes effective July 1, 2010, and applies to partnership
6 agreements entered into on or after that date.