

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH70549-MA-443A\* (05/14)

Short Title: Amend Powers of Department of Transportation.

(Public)

Sponsors: Representative Crawford.

Referred to:

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:



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1           "(12a) To approve partnership agreements with the North Carolina Turnpike  
2           Authority, private entities, and authorized political ~~of subdivisions to~~  
3           ~~finance, by tolls, contracts, and other financing methods authorized by law,~~  
4           ~~the cost subdivisions, if such partnership agreements set forth the manner of~~  
5           funding the costs of planning, designing, acquiring, constructing, equipping,  
6           maintaining, and operating transportation infrastructure in this State, with  
7           priority given to highways, roads, streets, and bridges."

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