

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 832**

Short Title: Commuter Thoroughfare Act of 2005.

(Public)

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Sponsors: Representatives Dollar; Capps, Gulley, and Starnes.

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Referred to: Appropriations.

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March 22, 2005

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL, WITH A THREE-YEAR PHASEOUT, THE ANNUAL  
2 TRANSFER OF ONE HUNDRED SEVENTY MILLION DOLLARS IN  
3 HIGHWAY USE TAX COLLECTIONS FROM THE HIGHWAY TRUST FUND  
4 TO THE GENERAL FUND AND TO PROVIDE THAT THOSE FUNDS SHALL  
5 BE USED BY THE DEPARTMENT OF TRANSPORTATION FOR  
6 CONSTRUCTION AND MAINTENANCE OF COMMUTER  
7 THOROUGHFARES.  
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 105-187.9(b) reads as rewritten:

11 "~~(b) Transfer.—In each fiscal year the State Treasurer shall transfer the amounts~~  
12 ~~provided below from the taxes deposited in the Trust Fund to the General Fund. The~~  
13 ~~transfer of funds authorized by this section may be made by transferring one fourth of~~  
14 ~~the amount at the end of each quarter in the fiscal year or by transferring the full amount~~  
15 ~~annually on July 1 of each fiscal year, subject to the availability of revenue.~~

16 (1) ~~The sum of one hundred seventy million dollars (\$170,000,000).~~

17 (2) ~~In addition to the amount transferred under subdivision (1) of this~~  
18 ~~subsection, the sum of one million seven hundred thousand dollars~~  
19 ~~(\$1,700,000) shall be transferred in the 2001-2002 fiscal year. The~~  
20 ~~amount distributed under this subdivision shall increase in the~~  
21 ~~2002-2003 fiscal year to the sum of two million four hundred thousand~~  
22 ~~dollars (\$2,400,000). In each fiscal year thereafter, the sum transferred~~  
23 ~~under this subdivision shall be the amount distributed in the previous~~  
24 ~~fiscal year plus or minus a percentage of this sum equal to the~~  
25 ~~percentage by which tax collections under this Article increased or~~  
26 ~~decreased for the most recent 12-month period for which data are~~  
27 ~~available.~~

1       (b) Subject to the availability of revenue, the State Treasurer shall transfer the  
2 following sums of the taxes deposited in the Trust Fund, pursuant to subsection (a) of  
3 this section, to the General Fund:

4           (1) On July 1, 2005 – one hundred twenty-seven million five hundred  
5 thousand dollars (\$127,500,000).

6           (2) On July 1, 2006 – eighty-five million dollars (\$85,000,000).

7           (3) On July 1, 2007 – forty-two million five hundred thousand dollars  
8 (\$42,500,000).

9           (4) On July 1, 2008, and on July 1 or each year thereafter, no funds shall  
10 be transferred."

11       **SECTION 2.** G.S. 136-176 is amended by adding a new subsection to read:

12       "(e) The Department of Transportation shall use the following funds from the  
13 North Carolina Highway Trust Fund created in subsection (a) of this section for  
14 construction and maintenance of commuter thoroughfares, which are secondary  
15 highways and state roadways that are at or above design capacity for traffic during peak  
16 weekday drive times:

17           (1) For the 2005-2006 fiscal year – forty-two million five hundred  
18 thousand dollars (\$42,500,000).

19           (2) For the 2006-2007 fiscal year – eighty-five million dollars  
20 (\$85,000,000).

21           (3) For the 2007-2008 fiscal year – one hundred twenty-seven million five  
22 hundred thousand dollars (\$127,500,000).

23           (4) For the 2008-2009 and all subsequent fiscal years – one hundred  
24 seventy million dollars (\$170,000,000)."

25       **SECTION 3.** This act becomes effective July 1, 2005.