

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 635

Short Title: Equity Formula Study Commission. (Public)

Sponsors: Senators Stein, Clodfelter; Allran, Atwater, Bingham, Brunstetter, Dorsett,
Foriest, Garrou, Hunt, Kinnaird, Malone, McKissick, Rucho, Stevens, and
Vaughan.

Referred to: Rules and Operations of the Senate.

March 18, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE JOINT LEGISLATIVE TRANSPORTATION FUNDING
DISTRIBUTION FORMULA STUDY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. There is established the Joint Legislative Transportation Funding
Distribution Formula Study Commission.

SECTION 2. The Commission shall be composed of 22 voting members
representing the geographical and population diversity of the State, and one ex officio
nonvoting member, as follows:

- (1) Six members of the Senate, appointed by the President Pro Tempore of the
Senate.
- (2) Six members of the House of Representatives, appointed by the Speaker of
the House of Representatives.
- (3) One member representing the North Carolina League of Municipalities
affiliate, the North Carolina Metro Mayors Coalition, from a municipality
with a population of 165,000 or more, appointed by the President Pro
Tempore of the Senate.
- (4) One member representing the North Carolina League of Municipalities
affiliate, the North Carolina Metro Mayors Coalition, from a municipality
with a population of less than 165,000, appointed by the Speaker of the
House of Representatives.
- (5) One member representing the North Carolina League of Municipalities, from
a municipality with a population of at least 10,000 and less than 30,000,
appointed by the President Pro Tempore of the Senate.
- (6) One member representing the North Carolina League of Municipalities, from
a municipality with a population of less than 10,000, appointed by the
Speaker of the House of Representatives.
- (7) One member representing the North Carolina Association of County
Commissioners, from an urban county, appointed by the President Pro
Tempore of the Senate.
- (8) One member representing the North Carolina Association of County
Commissioners, from an urban county, appointed by the Speaker of the
House of Representatives.



- 1 (9) One member representing the North Carolina Association of County
2 Commissioners, from a rural county, appointed by the President Pro
3 Tempore of the Senate.
- 4 (10) One member representing the North Carolina Association of County
5 Commissioners, from a rural county, appointed by the Speaker of the House
6 of Representatives.
- 7 (11) One member representing the Rural Planning Organizations of the State,
8 appointed by the President Pro Tempore of the Senate.
- 9 (12) One member representing the Metropolitan Planning Organizations in the
10 State, appointed by the Speaker of the House of Representatives.
- 11 (13) The Secretary of Transportation or the Secretary's designee, as an ex officio
12 nonvoting member.

13 Vacancies on the Commission shall be filled by the appointing authority. The
14 President Pro Tempore of the Senate and the Speaker of the House of Representatives shall
15 each designate a cochair. A quorum of the Commission shall be 14 members.

16 The Commission, while in the discharge of its official duties, may exercise all
17 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4, including the
18 power to request all officers, agents, agencies, and departments of the State to provide any
19 information, data, or documents within their possession, ascertainable from their records, or
20 otherwise available to them, and the power to subpoena witnesses.

21 The Commission may meet at any time upon call of the chairs. The Commission
22 may meet in the Legislative Building or the Legislative Office Building. The Commission may
23 contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

24 The Legislative Services Commission, through the Legislative Services Officer,
25 shall assign professional staff to assist the Commission in its work. The House of
26 Representatives' and Senate's Directors of Legislative Assistants shall assign clerical staff to the
27 Commission, and the expenses relating to the clerical employees shall be borne by the
28 Commission. Members of the Commission shall receive subsistence and travel expenses at the
29 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

30 **SECTION 3.** The Commission shall study issues related to the State's method for
31 distributing transportation funds. As a part of its study, the Commission may examine issues
32 related to:

- 33 (1) The current transportation funding distribution formula, set out in
34 G.S. 136-17.2A, and commonly known as the "Equity Formula."
- 35 (2) The effect of the current formula on transportation needs in urban, suburban,
36 and rural parts of the State.
- 37 (3) The total amount of State transportation funds each county receives.
- 38 (4) The estimated amount each county contributes to the State in tax revenue for
39 transportation purposes.
- 40 (5) The views of all affected parties on the best way to utilize the State's limited
41 transportation funds.
- 42 (6) Any other issue related to the State transportation funding formula deemed
43 relevant by the Commission.

44 **SECTION 4.** The Commission shall make a final report, including any proposed
45 legislation, to the 2010 Regular Session of the 2009 General Assembly upon its convening. The
46 Commission shall terminate upon filing its final report or upon the convening of the 2010
47 Regular Session of the 2009 General Assembly, whichever is earlier.

48 **SECTION 5.** This act is effective when it becomes law.