



CHAPTER 136
ARTICLE 2 - POWERS AND DUTIES OF DEPARTMENT AND BOARD OF TRANSPORTATION

N.C.G.S. § 136-41.1.

Appropriation to municipalities; allocation of funds generally; allocation to Butner.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2015-241, s. 29.17D(a) — twenty-ninth act in the lineage	21 September 2026, 02:52 UTC	777a75f4e1d12a7e237123f1 - 5c83ea05996dc16f6b5ae28a - d1072bb9ae080360

§ 136-41.1(a) Upon appropriation of funds by the General Assembly to the Department of Transportation for State aid to municipalities, one-half of the amount appropriated shall be allocated in cash on or before October 1 of each year to the cities and towns of the State in accordance with this section. The second one-half of the amount appropriated shall be allocated in cash on or before January 1 of each year to the cities and towns of the State in accordance with this section.

Seventy-five percent (75%) of the funds appropriated for cities and towns shall be distributed among the several eligible municipalities of the State in the percentage proportion that the population of each eligible municipality bears to the total population of all eligible municipalities according to the most recent annual estimates of population as certified to the Secretary of Revenue by the State Budget Officer. This annual estimation of population shall include increases in the population within the municipalities caused by annexations accomplished through July 1 of the calendar year in which these funds are distributed. Twenty-five percent (25%) of said fund shall be distributed among the several eligible municipalities of the State in the percentage proportion that the mileage of public streets in each eligible municipality which does not form a part of the State highway system bears to the total mileage of the public streets in all eligible municipalities which do not constitute a part of the State highway system.

It shall be the duty of the mayor of each municipality to report to the Department of Transportation such information as it may request for its guidance in determining the

eligibility of each municipality to receive funds under this section and in determining the amount of allocation to which each is entitled. Upon failure of any municipality to make such report within the time prescribed by the Department of Transportation, the Department of Transportation may disregard such defaulting unit in making said allotment.

The funds to be allocated under this section shall be paid in cash to the various eligible municipalities on or before October 1 and January 1 of each year as provided in this section. Provided that eligible municipalities are authorized within the discretion of their governing bodies to enter into contracts for the purpose of maintenance, repair, construction, reconstruction, widening, or improving streets of such municipalities at any time after January 1 of any calendar year in total amounts not to exceed ninety percent (90%) of the amount received by such municipality during the preceding fiscal year, in anticipation of the receipt of funds under this section during the next fiscal year, to be paid for out of such funds when received.

The Department of Transportation may withhold each year an amount not to exceed one percent (1%) of the total amount appropriated for distribution under this section for the purpose of correcting errors in allocations: Provided, that the amount so withheld and not used for correcting errors will be carried over and added to the amount to be allocated for the following year.

The word "street" as used in this section is hereby defined as any public road maintained by a municipality and open to use by the general public, and having an average width of not less than 16 feet. In order to obtain the necessary information to distribute the funds herein allocated, the Department of Transportation may require that each municipality eligible to receive funds under this section submit to it a statement, certified by a registered engineer or surveyor of the total number of miles of streets in such municipality. The Department of Transportation may in its discretion require the certification of mileage on a biennial basis.

§ 136-41.1(b)

For purposes of this section and of G.S. 136-41.2 and 136-41.3, urban service districts defined by the governing board of a consolidated city-county in which street services are provided by the consolidated city-county, as defined by G.S. 160B-2(1), shall be considered eligible municipalities, and the allocations to be made thereby shall be made to the government of the consolidated city-county.

§ 136-41.1(c)

Any funds allocated to the unincorporated area known as the Butner Reservation shall be transferred to the Town of Butner.

Nature. - The General Assembly finds that the revenue distributed under this section is local revenue, not a State expenditure, for the purpose of Section 5(3) of Article III of the North Carolina Constitution. Therefore, the Governor may not reduce or withhold the distribution.

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

Nº	YEAR	ACT	CHARACTER
01	1951	c. 260, s. 2	ENACTED
02	1951	c. 948, ss. 2, 3	AMENDED
03	1953	c. 1127	AMENDED
04	1957	c. 65, s. 11	AMENDED
05	1963	c. 854, ss. 1, 2	AMENDED
06	1969	c. 665, ss. 1, 2	AMENDED
07	1971	c. 182, ss. 1-3	AMENDED
08	1973	c. 476, s. 193	AMENDED
09	1973	c. 500, s. 1	AMENDED
10	1973	c. 507, s. 5	AMENDED
11	1973	c. 537, s. 6	AMENDED
12	1975	c. 513	AMENDED
13	1977	c. 464, s. 7.1	AMENDED
14	1979	2nd Sess., c. 1137, s. 50	AMENDED
15	1981	c. 690, s. 4	AMENDED
16	1981	c. 859, s. 9.2	AMENDED
17	1981	c. 1127, s. 54	AMENDED
18	1981	1985 (Reg. Sess., 1986), c. 982, s. 1	AMENDED

19	1989	c. 692, s. 1.6	AMENDED
20	1995	c. 390, s. 26	AMENDED
21	1995	c. 461, s. 18	AMENDED
22	1997	S.L. 1997-443, s. 11A.118(a)	AMENDED
23	2000	S.L. 2000-165, s. 1	AMENDED
24	2002	S.L. 2002-120, s. 5	AMENDED
25	2007	S.L. 2007-269, s. 13	AMENDED
26	2011	S.L. 2011-145, s. 28.10(a)	AMENDED
27	2013	S.L. 2013-183, s. 3.1	AMENDED
28	2014	S.L. 2014-100, s. 34.1	AMENDED
29	2015	S.L. 2015-241, s. 29.17D(a)	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 136-41.2	(b)	<i>"purposes of this section and of"</i>
G.S. 160B-2(1)	(b)	<i>"the consolidated city-county, as defined by"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 136-41.1 (2015).

PINPOINT

N.C. Gen. Stat. § 136-41.1(a) (2015).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1951, c. 260, s. 2; c. 948, ss. 2, 3; 1953, c. 1127; 1957, c. 65, s. 11; 1963, c. 854, ss. 1, 2; 1969, c. 665, ss. 1, 2; 1971, c. 182, ss. 1-3; 1973, c. 476, s. 193; c. 500, s. 1; c. 507, s. 5; c. 537, s. 6; 1975, c. 513; 1977, c. 464, s. 7.1; 1979, 2nd Sess., c. 1137, s. 50; 1981, c. 690, s. 4; c. 859, s. 9.2; c. 1127, s. 54; 1985 (Reg. Sess., 1986), c. 982, s. 1; 1989, c. 692, s. 1.6; 1995, c. 390, s. 26; c. 461, s. 18; 1997-443, s. 11A.118(a); 2000-165, s. 1; 2002-120, s. 5; 2007-269, s. 13; 2011-145, s. 28.10(a); 2013-183, s. 3.1; 2014-100, s. 34.1; 2015-241, s. 29.17D(a).)

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