North Carolina Transportation Funding Legislation (2015)

Title of Bill: Senate Bill 20 and House Bill 97 (the “2015 Appropriations Act”)

Purpose: North Carolina state lawmakers prevented a dramatic motor fuel tax cut, eliminated Highway Fund transfers, raised Division of Motor Vehicle fees, increased the tax on out-of-state motor vehicle purchases, and permitted municipalities to increase their local vehicle sales tax. The state raised a total of $1.2 billion in additional transportation revenue availability in Fiscal Year 2016-2017, which includes $440 million annually in new revenues.

Status of Amendment:

Senate Bill 20: Signed into law March 31, 2015.

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<td>FOR</td>
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<td>AGAINST</td>
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History

State Gas Tax & Transportation Funding Sources/Distribution

According to the North Carolina Department of Transportation, their budget for the 2015 State Fiscal Year was $4.4 billion ii. TRIP reports indicate that a large part of North Carolina’s funding comes from the federal surface transportation program, Moving Ahead for Progress in the 21st Century (MAP-21). This program, passed in 2012 by President Barack Obama, provided North Carolina with over one billion dollars of transportation funding in 2015 iii. State funds make up the remaining $3.4 billion, with the highest percentage of funding coming from the Motor Fuel Tax, providing over $1.8 billion in revenue. Highway Usage Taxes, a state replacement for sales taxes used when a vehicle’s title is transferred, generated approximately $660 million. Various DMV fees, including registration, title, and licensing fees, generated around $790 million. Remaining funds for North Carolina’s $4.4 billion budget were made of additional federal grants and funding from the 2009 American Recovery and Reinvestment Act, commonly known as the Stimulus Bill iv.
Construction received the highest distribution of these funds, receiving over $2 billion (or approximately 47 percent) of the total transportation revenue.

Maintenance received approximately $1.23 billion in revenue, totaling about 28 percent of the distribution.

The remaining 25 percent of revenue went to a variety of causes:

- The largest allocation given to alternative transit methods, such as light rail, public transportation, ferries, and bike lanes. These sources received $394 million in revenue investment, or nine percent of the remaining revenue.
- Debt services and state agency transfers combined to receive slightly less than nine percent of transportation funds, totaling around $392 million.
- The remaining seven percent of this amount went to various administrative costs and payments, requiring $344 million in revenue.

Need

TRIP’s 2014 analysis of North Carolina’s roads indicated several key shortcomings due to infrastructure disrepair. Through vehicle costs, wasted fuel, congestion, and crashes, North Carolina’s infrastructure cost state residents $6.5 billion per year.

Urban Roads: Many of North Carolina’s more populated areas had over 1/4 of their roads characterized as “poor or mediocre condition”. This category applied to 26 percent of roads in the Raleigh-Durham area, 36 percent of roads in the Triad area, and a staggering 48 percent of roads in the Wilmington area.

Rural Roads: North Carolina’s rural roads are also in a state of disrepair, reflected in the vehicular casualty rate being four times higher than the state road average (2.44 deaths per thousand compared to 0.64 deaths per thousand, respectively).

Bridges: Thirty percent of the state’s bridges are in need of immediate repair or replacement, with 18 percent of them being characterized as “functionally obsolete”.

Over $364 billion in goods are shipped out of North Carolina-based sites annually. Considering these economic implications, a high road-casualty rate in rural areas, and serious disrepair among roads within populated areas, the need for additional funding and repair to North Carolina’s infrastructure is paramount.

Summary of Legislation

Senate Bill 20:
North Carolina Gov. Pat McCrory (R) on March 31, 2015 signed into law a bill to help limit an upcoming decrease in the state gas tax and stabilize the tax going forward.

North Carolina’s current state gas tax rate is a combination of a flat tax of 17.5 cents-per-gallon and a variable wholesale gas price component, which is determined as either 3.5 cents-per-gallon or 7 percent of the average wholesale price of motor fuel, whichever is greater. Due to a decrease in the price of gasoline, this calculation would have likely dropped the amount collected by the tax to below 30 cents-per-gallon as of March 31, costing the North Carolina Department of Transportation hundreds of jobs and an estimated $400 million in funding.

The bill signed by Gov. McCrory will reduce the state gas tax by 1.5 cents-per-gallon immediately, another 1 cent January 2016, and an additional 1 cent July 2016. This would bring the state gas tax to 34 cents-per-gallon until the end of the year. Starting in January 2017, the state gas tax would be calculated based on changes in both the national Consumer Price Index (making up 25 percent of the new tax) and in the state population (making up 75 percent of the tax). This new formula would replace the state’s current variable-rate tax.

“This bill will allow us to build roads, strengthen bridges and fix potholes so people can get to their jobs, go to school, see their doctors and drive to the mountains or the beach,” Governor McCrory said. “We now have a gas tax that is based on North Carolina’s transportation needs instead of the unpredictability of the world oil market.”

House Bill 97:

North Carolina lawmakers gave final approval Sept. 18, 2015 to a state budget that provides an increase of $440 million in transportation funding by eliminating Highway Fund transfers to the General Fund, raising Division of Motor Vehicle fees (with quadrennial adjustments for inflation on certain fees), increasing the state Highway Use Tax on out-of-state motor vehicle purchases, eradicating the ‘noncommercial leaking petroleum- UST cleanup fund’, and permitting municipalities to increase their vehicle sales tax.

The bill passed after months of dispute between both parties of the General Assembly, with three continuing resolutions issued as the debate extended beyond the beginning of the fiscal year on June 30. After a compromise plan was reached, House Bill 97 was passed by the Senate Sept. 17, with a vote of 37-13. The House passed the bill the next day with a vote of 81-33. Of the voting legislators, all Republicans—104 in total—supported the budget bill, while 14 voting Democratic legislators approved the bill and 46 opposed it.

HB 97 was signed into law by Gov. McCrory on Sept. 19.

Future Work
In addition, a House Select Committee on Strategic Transportation Funding was created in order to study the state’s transportation funding and come up with solutions to close the shortfall.

**Overall Votes**

**Legislative Makeup**

At the time of SB 20’s passage, North Carolina’s governor Pat McCrory was Republican, and the legislature was majority Republican. 71 percent legislators voted to approve SB 20, while 29 percent opposed it.

- There were 61 Democrats in the North Carolina legislature, with 23 voting in favor of SB 20 and 37 opposed (One Democrat was absent).
- There were 108 Republicans in the North Carolina legislature, with 97 voting in favor of SB 20 and 10 opposed (One Republican was absent).

**Legislators Voting for SB 20**

- Democrats: 81%, Republicans: 19%

**Legislators Voting Against SB 20**

- Democrats: 49%, Republicans: 51%

**Democrats**

- Yes: 31%, No: 69%

**Republicans**

- Yes: 10%, No: 90%
Supporters

Arguments: Proponents of the legislation heavily favored keeping the North Carolina Highway Fund’s revenue away from the General Fund. Since the early 1980s, large amounts of revenue from the Highway Fund were diverted to the General Fund in an attempt to fund various driver education programs and highway patrol units. However, by ending this transfer, the legislature was able to guarantee over $200 million in revenue would be retained within the Highway Fund, ensuring its usage for maintenance and expansion of North Carolina’s infrastructure.

The legislation’s supporters also praised the clauses in HB 97 that raised a variety of fees within the Division of Motor Vehicles (DMV). These fees would apply to a variety of DMV functions, such as license fees, new registrations, and non-driver ID fees. Ultimately, these fees would increase DMV revenue from approximately $3.65 million to over $12 million between the current session and the last fiscal year. This revenue would directly support North Carolina’s Highway Fund, further providing aid to the maintenance and refurbishment of North Carolina’s infrastructure.

In addition to these funding measures, supporters of this legislation prevented a scheduled gas tax increase, while also ensuring the long-term reliability of the state gas tax by indexing it to both the state’s population and the Consumer Price Index of gasoline. The gas tax was scheduled to drop by 3.5 cents between the bill’s passage and July 2016 to 34 cents a year. Supporters of this bill also discussed that by tying their gas tax primarily to North Carolina’s population changes rather than just the Consumer Price Index of oil (75-25 funding, respectively), the state would avoid significant fluctuations in their tax revenue based on the international oil market’s volatility. This ratio favoring population will ultimately increase transportation revenue, as it will rise in parallel to North Carolina’s current population increase.

Key Players:

- Sen. Phil Berger, Senate Pro Tem
- Sen. Bill Rabon, Senate Finance Chair
- Sen. Kathy Harrington, Sen Chair Appropriations
- Speaker Of the House Tim Moore
- Rep. John Torbett, House Chair Transportation Appropriations
- Rep. Jason Saine, House Finance Co-Chair
- Rep. Bill Brawley, House Finance Co-Chair

Coalition for a Prosperous Future

The CPF was created to advocate for job creation, which serves as a key backbone to their support for infrastructure reform. They emphasized that a key success of this infrastructure funding was creating over 1.5 million jobs within North Carolina. The coalition, led by the North Carolina Chamber of Commerce, created ads and fact sheets in order to increase awareness of the state’s critical transportation funding need. Coalition members included transportation construction industry
professionals, state business associations, and local chambers of commerce. The coalition launched the campaign, “NC Can’t Afford to Wait” (below) in order to organize and direct this initiative.

Coalition members included:

- Alamance County Area Chamber of Commerce
- American Airlines
- American Council of Engineering Companies
- American Society of Civil Engineers – North Carolina Section
- American Society of Highway Engineers
- Archdale-Trinity Chamber of Commerce
- Asheville Area Chamber of Commerce
- Cabarrus Regional Chamber of Commerce
- Carolinas AGC
- Carolinas Asphalt Pavement Association
- Carolinas Concrete Pipe & Products Association
- Cary Chamber of Commerce
- Charlotte Chamber of Commerce
- Fayetteville Regional Chamber of Commerce
- Gaston County Chamber of Commerce
- Greater Raleigh Chamber of Commerce
- Greensboro Partnership
- Greenville-Pitt Chamber of Commerce
- Havelock Chamber of Commerce
- High Point Chamber of Commerce
- Highway 17 Association
- Moore County Chamber of Commerce
- NCGo!
- National Federation of Independent Business – North Carolina
- New Hanover County Airport Authority/Wilmington International Airport
- North Carolina Aggregates Association
- North Carolina Association of County Commissioners
- North Carolina Economic Developers Association
- North Carolina Association of REALTORS®
- North Carolina Center for Global Logistics
- North Carolina Chamber
- North Carolina Farm Bureau
- North Carolina Forestry Association
- North Carolina League of Municipalities
- North Carolina Metropolitan Mayors Coalition
- North Carolina Poultry Federation
- North Carolina League of Transportation and Logistics
- North Carolina Railroad Company
- North Carolina Section Institute of Transportation Engineers
- Professional Engineers of North Carolina
- Regional Transportation Alliance
- Rocky Mount Chamber of Commerce
- Rowan County Chamber of Commerce
- Wayne County Chamber of Commerce
- Wilkes Chamber of Commerce
- Winston-Salem Chamber of Commerce

“NC Can’t Afford to Wait” campaign

This was the main campaign behind the Coalition for a Prosperous Future’s advocacy for infrastructure reform. In order to campaign for their main advocacy, which was to create more jobs within North Carolina, the North Carolina Chamber defined their state’s infrastructure issues as “economically inefficient”. They sought a solution that would provide a more up-to-date and safe infrastructure.
system that could keep up with North Carolina’s growth, both economically and in population.

Key messages of the campaign included safety improvements, congestion solutions, and the economic benefits of improving the state’s transportation infrastructure. Objectives included:

- Mobilize the state’s business community and sustain momentum during the campaign;
- Demonstrate to the legislature and governor that businesses favored increased transportation funding;
- Neutralize arguments from conservative and anti-government/anti-tax organizations.

The campaign invested over $700,000 in television, digital, and radio ads in order to generate interest. Public Opinion Strategies, a national Republican polling firm, also conducted a statewide voter poll in November 2014 in order to gauge interest in increased funding. While poll results showed most residents were unfavorable to increasing funding, the campaign was able to utilize the results in crafting objectives and strategies.

Radio and television ads: https://www.youtube.com/channel/UC2MUo7Vv3OnwFAFlI_FntHQ

Want to learn more about how the NC Chamber of Commerce mobilized businesses and industry organizations within the state, and led a successful campaign to increase transportation funding? Hear Jake Cashion, director of government relations, discuss the process in the Transportation Investment Advocacy Center’s™ February 2015 webinar, Thinking Outside the Gas Tax. The webinar recording is available for free here: http://artba.adobeconnect.com/p3om8qgjixya/

Opponents

Arguments: A key point raised by several Democrats was the impact of DMV fees on lower income individuals. By raising the price of obtaining a driver’s license and renewing one’s registration, it becomes much harder for lower and middle income individuals to afford these documents, which would prevent them from driving legally.

Democrats also spoke out against the bill’s lack of attention towards funding public transportation and light rail. Democratic Representative Grier Martin stated that “I would like to see more funding for transit in its various forms, including bus and light rail” in a report by the Charlotte Observer. This report also highlighted fears that the lack of consideration for these transit funds could shift the burden for funding them onto local municipalities, who have significantly less revenue to fund such projects.

In addition to legislative opposition, the Coalition for a Prosperous Future found resistance from anti-tax organizations within the state, as well as industry groups campaigning for their own particular needs.

Key Players:

- Daniel Blue, Senate Minority Leader
- Larry D. Hall, House Minority Leader
Why did it succeed?

Compromise

The legislation was heavily supported the North Carolina legislature’s Republican majority. Many clauses within the legislation cater towards conservative voters, therefore making the legislature much more likely to pass these two bills. One of the key examples of this conservative-friendly legislation was the lack of tax increases, a proposal opposed by Republican lawmakers. Republican Representative Frank Iler claimed that a measure raising vehicular sales taxes “would not be popular” in areas both within and around his legislative district in the report made by the Charlotte Observer. By further agreeing to lower the gas tax over a year and a half period, Republican majorities in both houses continually influenced the legislation. Without policy pressure to raise taxes resulting from these bills, they passed much easier through a conservative-leaning legislature.

The Republican majority also influenced another major conservative measure of the legislation, which were the raised DMV fees. As gas and vehicular taxation make up two large sources of revenue for infrastructure refurbishment, DMV fees remain as a third essential source of revenue for general infrastructure. State Democrats oppose increasing these fees, citing a heavy financial burden on lower income individuals. The conservative majority in the North Carolina Legislature limited the impact of these statements, countering the fears of high DMV prices with the need to generate revenue to improve North Carolina’s infrastructure, without creating revenue through higher taxes.

However, Republican successes in tax reduction and higher DMV fees were not the only factors that helped to pass this legislation. Generating revenue for the North Carolina Highway Fund served as a key compromise that secured several democratic votes in both legislative houses. State Republicans supported a measure to significantly increase funding for the North Carolina Highway Fund by ending future transfers of revenue from the Highway Fund to the General Fund. According to a report from the Carolina Journal, this measure will save over $200 million in revenue for the Highway Fund. This money will be used exclusively for improving North Carolina’s infrastructure rather than for funding several other state programs. According to the Carolina Journal, members of both sides of the North Carolina Legislature historically favored both curtailing and eliminating these transfers to the General Fund. By including these transfers, the legislation’s authors were able to secure Democratic votes in both levels of the state legislature and increase transportation funding significantly.

Governor as a Champion

Pat McCrory was a key supporter of infrastructure reform. In addition to signing the final legislation, he favored the new gas tax formula within the legislation. He stated that orienting the gas tax further around North Carolina’s population than the Consumer Price Index of oil would allow the state to
generate infrastructure reform without being directly attached to the world oil market\hspace{0.1cm}^{\text{xiv}}. As the state’s population is growing, his approval of pairing the gas tax with this growth reflects his support for continually raising the gas tax through measures that will avoid North Carolina’s low floor-rate gas tax, which will rest around 33 cents by 2017. This pairing formed the backbone of this legislation, reflecting the governor’s readiness to sign the bill once it reached his desk.

\textit{Stakeholder Coalitions}

The Coalition for a Prosperous Future was able to successfully pair their major advocacy, job creation, with infrastructure reform. Their “NC Can’t Afford To Wait” campaign compared statistics of infrastructure damage with North Carolina’s economic reliance on sustainable infrastructure reform. One example that the CPF used was North Carolina’s issues with congestion. This campaign discovered that North Carolina’s congestion increased by 8.35\% for every 100,000 drivers. They paralleled this statistic with North Carolina’s population growth statistics, which claim the state will have three million more citizens by the year 2030\hspace{0.1cm}^{\text{xv}}. By reflecting these economic strains within the context of infrastructure reform, along with using the wide platform available through a state organization (North Carolina Chamber of Commerce), the CPF was able to successfully campaign for higher infrastructure funding.

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tkane@artba.org
The Transportation Investment Advocacy Center ™ (TIAC) is a first-of-its kind, dynamic education program and internet-based information resource designed to help private citizens, legislators, organizations and businesses successfully grow transportation investment at the state and local levels through the legislative and ballot initiative processes.

The TIAC website, www.transportationinvestment.org, was created so transportation investment advocates do not have to “re-invent the wheel” to mount successful campaigns. It exists to put in one place—and promote the sharing of—strategies... sample political and communications tools... legislative and ballot initiative language... and information on where to obtain professional campaign advice, research and help. To subscribe to at no cost—and receive via email—the regularly updated TIAC blog, visit the website.

In addition to the website, the TIAC program includes an annual workshop in Washington, D.C., and ongoing webinars for transportation investment advocates featuring case studies, best practices, and the latest in political and media strategies. State and local chamber of commerce executives, state legislators, state and local transportation officials, “Better Roads & Transportation” group members, industry and labor executives, and leaders of state and local chapters of national organizations who have an interest in transportation development programs are welcomed to participate.

The TIAC is a project of the American Road and Transportation Builders Association’s “Transportation Makes America Work!”™ (TMAW) program (www.tmaw.org) and funded through voluntary contributions and sponsorships. To become a sponsor or to make a contribution, visit the ARTBA store or contact TIAC Manager Carolyn Kramer at ckrramer@artba.org or 202-289-4434. Also contact Ms. Kramer if you have questions or comments about any reports or case studies published through the TIAC.
## Appendix


#### SENATE

<table>
<thead>
<tr>
<th>Senators who voted in favor of SB 20</th>
<th>Senators who voted against SB 20</th>
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<tbody>
<tr>
<td>John M. Alexander Jr. (Republican-District 15)</td>
<td>Tom McInnis (Republican-District 25)</td>
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<td>Tom Apodaca (Republican-District 48)</td>
<td>Floyd B. McKissick Jr. (Democrat-District 20)</td>
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<td>Chad Barefoot (Republican-District 18)</td>
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<td>Andrew C. Brock (Republican-District 34)</td>
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<td>Ralph Hise (Republican-District 47)</td>
<td>Joyce Waddel (Democrat-District 40)</td>
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<td>Brent Jackson (Republican-District 10)</td>
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<td>Paul A. Lowe Jr. (Democrat-District 32)</td>
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<td>Tamara Barringer (Republican-District 17)</td>
<td>Gladys A. Robinson (Democrat-District 28)</td>
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<td>Dan Blue (Democrat-District 14)</td>
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<td>Don Davis (Democrat-District 5)</td>
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#### House

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<td>Jay Adams (Republican-District 96)</td>
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<td>Gale Adcock (Democrat-District 41)</td>
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<td>Kelly M. Alexander Jr. (Democrat-District 107)</td>
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<td>Marilyn Avila (Republican-District 40)</td>
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<td>John R. Bell IV (Republican-District 10)</td>
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<td>Dan Bishop (Republican-District 104)</td>
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<td>Hugh Blackwell (Republican-District 86)</td>
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Rob Bryan (Republican-District 88)
Dana Bumgardner (Republican-District 109)
Becky Carney (Democrat-District 102)
Jeff Collins (Republican-District 25)
Debra Conrad (Republican-District 74)
N. Leo Daughtry (Republican-District 26)
Ted Davis Jr. (Republican-District 19)
Jimmy Dixon (Republican-District 4)
Josh Dobson (Republican-District 85)
Nelson Dollar (Republican-District 36)
Jeffery Elmore (Republican-District 94)
John Faircloth (Republican-District 61)
Elmore Floyd (Democrat-District 43)
John A. Fraley (Republican-District 95)
George Graham (Democrat-District 12)
Rick Glazier (Democrat-District 44)
Ken Goodman (Democrat-District 66)
Mike Hager (Republican-District 112)
Susi H. Hamilton (Democrat-District 18)
Edward Hanes Jr. (Democrat-District 72)
Jon Hardister (Republican-District 59)
D. Craig Horn (Republican-District 68)
Pat B. Hurley (Republican-District 70)
Frank Iler (Republican-District 17)
Charles Jeter (Republican-District 92)
Bert Jones (Republican-District 65)
Linda P. Johnson (Republican-District 83)
Jonathan C. Jordan (Republican-District 93)
Donny Lambeth (Republican-District 75)
James H. Langdon Jr. (Republican-District 28)
David R. Lewis (Republican-District 53)
Marvin W. Lucas (Democrat-District 42)
Chris Malone (Republican-District 35)

Susan Martin (Republican-District 8)
Pat McElraft (Republican-District 13)
Chuck McGrady (Republican-District 117)
Allen McNeill (Republican-District 78)
Rodney W. Moore (Democrat-District 99)
Tim Moore (Republican-District 111)
Gary Pendleton (Republican-District 49)
Larry Pittman (Republican-District 82)
Michele D. Presnell (Republican-District 118)
Robert T. Reives II (Democratic-District 54)
Dennis Riddell (Republican-District 64)
George S. Robinson (Republican-District 87)
Stephen M. Ross (Republican-District 63)
Jason Saine (Republican-District 97)
Jacqueline Michelle Schaffer (Republican-District 105)
Phil Shepard (Republican-District 15)
Michael Speciale (Republican-District 3)
Paul Stam (Republican-District 37)
Bob Steinburg (Republican-District 1)
Sarah Stevens (Republican-District 90)
John Szoka (Republican-District 45)
Paul Tine (Unaffiliated-District 6)
John A. Torbett (Republican-District 108)
Rena W. Turner (Republican-District 84)
Ken Waddell (Democratic-District 46)
Harry Warren (Republican-District 77)
Sam Watford (Republican-District 80)
Roger West (Republican-District 120)
Chris Whitmire (Republican-District 113)
Michael H. Wray (Democratic-District 27)
Larry Yarborough (Republican-District 2)
Lee Zachary (Republican-District 73)

Representatives who voted against SB 20:
John Ager (Democratic-District 115)
Nathan Baskerville (Democratic-District 32)
Larry M. Bell (Democratic-District 21)
John M. Blust (Republican-District 62)
Cecil Brockman (Republican-District 60)
Justin P. Burr (Republican-District 67)
Rick Catlin (Republican-District 20)
George G. Cleveland (Republican-District 14)
Tricia Ann Cotham (Democratic-District 100)
Carla D. Cunningham (Democratic-District 106)
Beverly M. Earle (Democratic-District 101)
Jean Farmer-Butterfield (Democratic-District 24)

Susan C. Fisher (Democratic-District 114)
Carl Ford (District 76)
Rosa U. Gill (Democratic-District 33)
Charles Graham (Democratic-District 47)
Duane Hall (Democratic-District 11)
Larry D. Hall (Democratic-District 29)
Pricey Harrison (Democratic-District 57)
Yvonne Lewis Holley (Democratic-District 38)
Bryan R. Holloway (Republican-District 91)
Julia C. Howard (Republican-District 79)
Howard J. Hunter III (Democratic-District 5)
Verla Insko (Democratic-District 56)
Darren G. Jackson (Democrat-District 39)
Ralph C. Johnson (Democrat-District 58)
Larry D. Hall (Democrat-District 29)
Paul Luebke (Democrat-District 30)
Grier Martin (Democrat-District 34)
Graig R. Meyer (Democrat-District 50)
Henry M. Michaux (Democrat-District 31)
Chris Millis (Republican-District 16)
Garland E. Pierce (Democrat-District 48)
Joe Sam Queen (Democrat-District 119)
Bobbie Richardson (Democrat-District 7)
Brad Salmon (Democrat-District 51)
Mitchell S. Setzer (Republican-District 89)
Evelyn Terry (Democrat-District 71)
Brian Turner (Democrat-District 116)
Shelly Willingham (Democrat-District 23)

*Because HB 97 was a budget appropriations act, and not a specific vote solely pertaining to transportation funding, vote analysis in this case study will only by applied to SB 20/ HB 40.

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