

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed  
SPECIAL PROVISION



2017-DEQ-H6A(S13.2)-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

1 **VOLKSWAGEN SETTLEMENT FUNDS**

2 **SECTION 13.2.(a)** In developing the "Beneficiary Mitigation Plan" (Plan) as  
3 mandated in the procedures for distribution of the State's share of the environmental mitigation  
4 trust established in the consent decree resolving the case *In Re: Volkswagen "Clean Diesel"*  
5 *Marketing, Sales Practices, and Products Liability Litigation*, Civil Case No. 3:15-md-02672  
6 in the United States District Court for the Northern District of California, the agency designated  
7 by the Governor as the lead agency under the procedures set forth in the trust agreement shall  
8 consult with the Department of Transportation and other interested State agencies in the  
9 formulation of the Plan. In addition, the lead agency shall consider the following parameters  
10 when setting priorities and evaluating proposals for expenditure of the funds:

- 11 (1) The degree to which expenditures in an eligible funding category will attract  
12 new employers to the State or will encourage job growth from existing  
13 employers.
- 14 (2) The benefits to small businesses from the categories of expenditures  
15 proposed in the Plan.
- 16 (3) The extent to which expenditures of funds under the Plan for replacement or  
17 repowering of vehicles shall result in the use of new diesel or alternate  
18 fueled vehicles, engines, and parts that are manufactured or assembled in  
19 this State.
- 20 (4) The importance of reducing emissions from operation of transportation  
21 infrastructure through the repowering or replacement of State-owned modes  
22 of transportation.

23 **SECTION 13.2.(b)** As set forth in G.S. 114-2.4A(f), no funds may be expended  
24 under the Plan until the lead agency has submitted the Plan to the Joint Legislative Commission  
25 on Governmental Operations, the chairs of the House and Senate Appropriations Committees,  
26 and the Fiscal Research Division and the General Assembly has appropriated the funds. The  
27 lead agency designated by the Governor shall revise and resubmit the Plan to the trustee  
28 following the procedures set forth in the trust agreement to be consistent with the appropriation.