

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 77

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H77-AMW-47 [v.10]

Page 1 of 3

Amends Title [NO]
Fifth Edition

Date _____, 2020

Senator McInnis

1 moves to amend the bill on page 2, line 3, by deleting "\$70,777,925" and substituting
2 "\$65,715,093"; and

3
4 on page 2, line 12, by deleting "(13,745,222)" and substituting "(8,682,390)"; and

5
6 on page 3, lines 18-21, by rewriting the lines to read:

7
8 **"SECTION 3.1.** Of the funds appropriated in this act to the Department of
9 Transportation from the Highway Fund, the sum of one hundred seven million one hundred fifty-
10 eight thousand one hundred seventy-one dollars (\$107,158,171) for the 2020-2021 fiscal year
11 shall be used as follows:"; and

12
13 on page 3, lines 28-31, by rewriting the lines to read:

14
15 **"SECTION 3.2.** Of the funds appropriated in this act to the Department of
16 Transportation from the Highway Fund, the sum of one hundred seventy-six million eight
17 hundred fifty-eight thousand one hundred seventy-one dollars (\$176,858,171) for the 2020-2021
18 fiscal year shall be reduced as follows:"; and

19
20 on page 3, line 24, by deleting "\$28,055,251" and substituting "\$22,992,419"; and

21
22 on page 3, line 25, by deleting "\$563,737,731." and substituting "\$558,674,899."; and

23
24 on page 3, line 39, by deleting "\$8,878,022" and substituting "\$3,815,190"; and

25
26 on page 3, line 40, by deleting "\$66,121,978." and substituting "\$71,184,810."; and

27
28 on page 11, lines 12-13, by inserting the following between the lines:

29
30 "(8) Wilmington International \$5,062,832"; and

31
32



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1 on page 7, lines 5-11, by rewriting the lines to read:

2 "SECTION 4.5.(b) Pursuant to the terms and provisions of (i) the memorandum of
3 agreement (MOA) between Department of Transportation and Federal Highway Administration
4 and (ii) the Master Trust Indenture (MTI) between the State and the Master Trustee named in
5 the MTI which secures all outstanding GARVEE Bonds, the Department shall continue to
6 obligate federal funds in accordance with the terms and provisions of the MTI and for the
7 purposes set forth in the MTI. To the extent not prohibited by either the terms of the MOA or
8 the MTI, the Department shall use other legally available federal funds to fund and maintain a
9 GARVEE/Federal Repayment Reserve Fund in an amount equal to the immediately ensuing
10 payment of only interest, or both principal and interest, on all outstanding GARVEE Bonds.
11 The Department shall only use federal funds for payment of debt service on GARVEE Bonds.
12 The State funds currently held in GARVEE/Federal Repayment Reserve shall be used for
13 currently existing projects. For purposes of this section, the term "currently existing project"
14 means a project that is as of June 1, 2020, in the process of design or construction."; and
15

16 on page 7, lines 43-48, by rewriting the lines to read:

17
18 ""(c) Access to Funds. – The Department may only use funds in the Emergency Reserve
19 after the President of the United States issues a declaration under the Stafford Act (42 U.S.C.
20 §§ 5121 – 5207) that a major disaster exists in the State. The Secretary of Transportation shall
21 ensure all funds in the Emergency Reserve are accessed and used pursuant to this
22 ~~section~~section, and in a manner that ensures the funds are eligible for federal
23 reimbursement.""; and
24

25 on page 8, lines 26-33, by rewriting the lines to read:

26
27 ""(d1) Unanticipated Expenditures; Adjustment of Budget. – In any fiscal year, when all
28 funds allocated for snow and ice removal, and emergencies are depleted, the Department ~~may~~
29 shall, in coordination with the Office of State Budget and Management (OSBM), reduce by the
30 same percentage the budget for every departmental division, grant-in-aid, and category of
31 expenditures, excluding ~~salaries, personal services~~, to pay for any unanticipated expenditures
32 from snow and ice removal, and emergencies. Within 30 days of an adjustment made pursuant
33 to this subsection, the Department shall submit a report to the Joint Legislative Transportation
34 Oversight Committee, and the Fiscal Research Division.""; and
35

36 on page 11, line 4, by rewriting the line to read:

37
38 "fiscal year, the Commercial Airport Funds in subdivision (4) of Section 3.2 of this act shall be";
39 and
40

41 on page 12, lines 39-40, by rewriting the lines to read:
42

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1 "ex officio nonvoting member of the Board. No more than two members of the Board may reside
2 in the same highway division. One person elected by the"; and

3
4 on page 19, lines 40 and 42, by deleting the phrase "Director of Transportation Budget" and
5 substituting "Transportation Oversight Manager" wherever it appears; and

6
7 on page 20, lines 4-18, by rewriting the lines to read:

8
9 **"TRANSPORTATION OVERSIGHT MANAGER POSITION**

10 **SECTION 5.5.(a)** The Department of Transportation shall transfer one vacant FTE
11 position and funds to the Office of State Budget and Management to be reclassified into the
12 position of Transportation Oversight Manager. The duties for this position shall include but not
13 be limited to: monitoring and assisting the Department of Transportation in developing the
14 Department budget and Spend Plan, monitoring the Department's finances and spending,
15 collaborating on assessing risks to Department finances, and making revenue and cash
16 projections, and ensuring the Department budget is faithfully executed consistent with the State
17 Budget Act and other statutes governing Department of Transportation finances.

18 **SECTION 5.5.(b)** The Department of Transportation shall give full access to all data
19 and information and full access to, and training on, all systems in order for the Office of State
20 Budget and Management to perform proper oversight.

21 **SECTION 5.5.(c)** The Office of State Budget and Management shall work in
22 consultation with the Department to prepare and submit the reports required by
23 G.S. 143C-6-11(p), as enacted by this act."; and

24
25 on page 21, line 4, by deleting the phrase "Director of Transportation Budget" and substituting
26 "Transportation Oversight Manager"; and

27
28 on page 22, lines 46-47, by inserting the following between the lines:

29
30 **"SECTION 6.4.** If Section 2.5 of Senate Bill 750 of the 2019 Regular Session
31 becomes law, Section 4.16 of this act is repealed."; and

32
33 by adjusting all totals accordingly.

**The official copy of this document, with signatures
and vote information, is available in the
Senate Principal Clerk's Office**

ADOPTED _____ FAILED _____ TABLED _____