Amends Title [NO]

Fifth Edition

Senator McInnis

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

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

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

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

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

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

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

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

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

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

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

"(8) Wilmington International $5,062,832"; and
on page 7, lines 5-11, by rewriting the lines to read:

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

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

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

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

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

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

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

on page 12, lines 39-40, by rewriting the lines to read:
"ex officio nonvoting member of the Board. No more than two members of the Board may reside in the same highway division. One person elected by the"; and

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

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

"TRANSPORTATION OVERSIGHT MANAGER POSITION"

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

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

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

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

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

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

by adjusting all totals accordingly.