

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 577
HOUSE BILL 193

AN ACT TO MAKE AMENDMENTS CONCERNING THE ADVISORY BUDGET COMMISSION TO BOND ACTS TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON SEPARATION OF POWERS.

The General Assembly of North Carolina enacts:

Section 1. This act may be cited as the Separation of Powers Bond Act of 1983.

Sec. 2. G.S. 113-315.31 is amended by adding immediately after the words "with the approval of" the words "the Governor after receiving the advice of".

Sec. 3. University Revenue Bonds. G.S. 116-41.4 is amended by deleting the words "Advisory Budget Commission" all four places they appear and inserting in lieu thereof in all places the words "Director of the Budget after the Director of the Budget consults with the Advisory Budget Commission."

Sec. 4. University Revenue Refunding Bonds. G.S. 116- 41.9 is amended by deleting the words "Advisory Budget Commission" and inserting in lieu thereof the words "Director of the Budget after consultation with the Advisory Budget Commission."

Sec. 5. Revenue Bonds for Student Housing. Article 19 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"§ 116-175.1. Consultation with Advisory Budget Commission. – Whenever this Article requires the approval of the Director of the Budget of an action, the Director of the Budget shall consult with the Advisory Budget Commission before giving approval."

Sec. 6. G.S. 116-175(4), 116-176, 116-178, 116-179, 116-182 and 116-183 are each amended by deleting the words "Advisory Budget Commission" whenever they appear and inserting in lieu thereof the words "Director of the Budget".

Sec. 7. University Revenue Bonds. Article 21 of Chapter 116 of the General Statutes is amended by adding a new section to read:

"§ 116-187.1. Consultation with Advisory Budget Commission. – Whenever this Article requires the approval of the Director of the Budget of an action, the Director of the Budget shall consult with the Advisory Budget Commission before giving approval."

Sec. 8. G.S. 116-189(5), 116-191, 116-192, 116-194 and 116-195 are each amended by deleting the words "Advisory Budget Commission" whenever they appear and inserting in lieu thereof the words "Director of the Budget".

Sec. 9. Clean Water Bond Acts. Section 7(a)(2) of Chapter 909, Session Laws of 1971, is amended by deleting the first comma and the remainder of Section 7(a)(2) following the comma and replacing it with a period.

Sec. 10. Section 7(a)(2) of Chapter 677, Session Laws of 1977 is amended by deleting the second comma and the remainder of Section 7(a)(2) following the second comma and replacing it with a period.

Sec. 11. Section 7(a)(2)a. of Chapter 993, Session Laws of 1981 is amended by deleting the second comma and the remainder of Section 7(a)(2)a. following the second comma and replacing it with a period.

Sec. 12. Section 14(b) of Chapter 909, Session Laws of 1971 is amended by deleting the word "No" and substituting the word "Any" and by deleting "become effective until approved by the Advisory Budget Commission and until printed or otherwise duplicated and a certified copy filed with the Secretary of State or other official of the State designated by law." and substituting "be filed in accordance with Chapter 150A of the General Statutes. The above department and boards shall report annually to the General Assembly on any rules adopted, amended or repealed under this section."

Sec. 13. Section 16(b) of Chapter 677, Session Laws of 1977 is rewritten to read:

"The Department of Administration, the Commission for Health Services and the Environmental Management Commission shall report annually to the General Assembly on any rules adopted, amended or repealed under this section."

Sec. 14. Section 16(b) of Chapter 993, Session Laws of 1981 is rewritten to read:

"The Department of Administration, the Commission for Health Services and the Environmental Management Commission shall report annually to the General Assembly on any rules adopted, amended or repealed under this section."

Sec. 15. Section 7(b) of Chapter 909, Session Laws of 1971 is amended:

- (1) by deleting "Advisory Budget Commission" the first, second, third, fifth, sixth, seventh and eighth time it appears and inserting in lieu thereof "Director of the Budget after consultation with the Advisory Budget Commission"; and
- (2) by deleting "Advisory Budget Commission" the fourth time it appears and inserting in lieu thereof "Director of the Budget and the Advisory Budget Commission".

Sec. 16. Section 7(b) of Chapter 677, Session Laws of 1977 is amended:

- (1) by deleting "Advisory Budget Commission" the first, second, third, fifth, sixth, seventh and eighth time it appears and inserting in lieu thereof "Director of the Budget after consultation with the Advisory Budget Commission"; and
- (2) by deleting "Advisory Budget Commission" the fourth time it appears and inserting in lieu thereof "Director of the Budget and the Advisory Budget Commission".

Sec. 17. Section 7(b) of Chapter 993, Session Laws of 1981 is amended by deleting "Advisory Budget Commission" wherever it appears and by inserting in lieu thereof "General Assembly".

Sec. 18. Section 7(e) of Chapter 677, Session Laws of 1977 is amended by deleting the words "Advisory Budget Commission" and inserting in lieu thereof the words "Director of the Budget after consultation with the Advisory Budget Commission".

Sec. 19. Validation. All actions, appropriations, regulations or bonds taken, made or issued under the provisions of Chapter 909, Session Laws of 1971, Chapter 677, Session Laws of 1977, Part 4 of Article 1 of Chapter 116 of the General Statutes, Articles 19 or 21 of Chapter 116 of the General Statutes, Article 23C of Chapter 113 of the General Statutes or Part 10 of Article 10 of Chapter 143B of the General Statutes are valid notwithstanding the fact that certain powers were granted to and exercised by the Advisory Budget Commission.

Sec. 20. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 22nd day of June, 1983.