

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 135

Short Title: Limit Special Provision Use. (Public)

Sponsors: Senators Foxx; Allran, Ballantine, Carpenter, Carrington, Cochrane, East, Forrester, Garwood, Hartsell, Horton, Moore, Rucho, Shaw of Guilford, and Webster.

Referred to: Appropriations/Base Budget.

February 18, 1999

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE USE OF SPECIAL PROVISIONS TO APPROPRIATIONS ISSUES.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-15.1A. Contents of appropriations bills.

(a) The subject matter of any appropriations bill or any amendment to an appropriations bill is limited to appropriations. No section of an appropriations bill or amendment to an appropriations bill shall establish, amend, or repeal statutory law except as follows:

- (1) To explain the purpose of an appropriations bill or express the intent of the General Assembly.
- (2) To alter expenditures or salaries.
- (3) To change the scope or character of a program that must be reduced, increased, or changed because of an increase or decrease of funds appropriated for the program or because of changes in federal law or federal regulations.
- (4) To create reserves for funding contingencies that may occur between sessions.
- (5) To make funding transfers or revisions.

- (6) To amend the Executive Budget Act.
- (7) To require reporting on expenditures.
- (b) A provision that satisfies the criteria of subsection (a) of this section may be included in an appropriations bill only in the following circumstances:
- (1) The provision is recommended to the General Assembly in a written report adopted by the committee to which the appropriations bill is referred before or at the same time the appropriations bill is reported; or
- (2) If the provision is contained in a floor amendment, the sponsor of the amendment presents to the Principal Clerk an explanation of the amendment for distribution to each member of the house that is considering the amendment. The explanation shall be presented to the Principal Clerk at or before the time the amendment is offered.
- (c) Any provision enacted in violation of this section is void.
- (d) Any State resident may petition the Attorney General to bring an action to invalidate a provision enacted in an appropriations bill in violation of this section. The petition shall include the name and address of the petitioner, a brief statement of the facts and circumstances on which the petitioner's claim is based, and the relief that the petitioner seeks. The petition must be filed in the Office of the Attorney General within 30 days of the date on which an appropriations bill becomes law. If the Attorney General determines that there is no reasonable ground for the legal action, the Attorney General shall decline to act on the petition and shall issue a right-to-sue letter to the petitioner that will enable the petitioner to bring a civil action pursuant to this section. If the Attorney General determines that there is a reasonable ground for legal action, the Attorney General shall bring the appropriate legal action. Not later than 60 days upon receipt of the petition, the Attorney General shall determine whether to bring an action as petitioned and shall notify the petitioner of that determination.
- A petitioner who has been issued a right-to-sue letter or the Attorney General may bring a civil action in either the Superior Court of Wake County or in the county where the petitioner resides. The civil action must be filed within 90 days of the date upon which the right-to-sue letter was issued or by the Attorney General within 90 days of the date on which the Attorney General notifies the petitioner of the Attorney General's intent to bring an action.
- A State resident may bring an action under this section only if the resident petitioned the Attorney General, and the Attorney General issued a right-to-sue letter to the State resident.
- (e) The following definitions apply to this section:
- (1) 'Amendment' includes a committee substitute.
- (2) 'Appropriations bill' includes all of the following:
- a. The Current Operations Appropriations Bill or any other bill that generally appropriates funds for current operations of the State.
- b. The Capital Improvement Appropriations Bill or any other bill that generally appropriates funds for capital improvements.

- c. Any bill that generally revises appropriations for the second fiscal year of a biennium."

Section 2. This act becomes effective July 1, 1999.