GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H D 1001/05 PD1/50420 LP 22< (5/14)

HOUSE DRH70438-LBx-326 (5/11)

Short Title: Legislative Budget Adjustments. (Public)

Sponsors: Representative Baker.

Referred to:

1 2

3

4 5

6 7

8

9

10

11

12

13 14

15

16

17

18

19

20

21

22

23

24

25

26

27

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO ALLOW A LEGISLATIVE COMMITTEE OR COMMISSION TO MAKE BUDGET ADJUSTMENTS IN THE INTERIM.

The General Assembly of North Carolina enacts:

SECTION 1. Section 5(3) of Article II of the North Carolina Constitution reads as rewritten:

"(3) Budget. The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures. The General Assembly may also by law authorize a commission or committee in the Legislative Branch to effect those necessary economies, but such committee or commission may act only during a period (i) before convening of the regular session, (ii) after sine die adjournment of any legislative session, or (iii) during any period in which both houses of the General Assembly are in recess or adjournment for a period of 10 days or more. The law creating the committee or commission shall provide a method for selecting its membership and may provide for officers of either house to make the appointments. If the General Assembly has created such a committee or commission, and the Governor has determined that receipts during the fiscal period, when added to any surplus remaining in the State treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures, the Governor may not effect those necessary economies until 30 days after the determination has been made. This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next statewide general election, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[]FOR []AGAINST

Constitutional amendment allowing the General Assembly to provide by law if there is a deficit for a committee or commission in the legislative branch to balance the budget by reducing expenditures."

SECTION 3. If a majority of votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendments to the Secretary of State whereupon the amendment shall become effective. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.

SECTION 4. This act is effective when it becomes law.