

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 1804

Short Title: Legislative Budget Adjustments.

(Public)

Sponsors: Representatives Baker; McGee and Allred.

Referred to: Rules, Calendar, and Operations of the House.

June 9, 2004

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION TO ALLOW A LEGISLATIVE
2 COMMITTEE OR COMMISSION TO MAKE BUDGET ADJUSTMENTS IN
3 THE INTERIM.
4

5 The General Assembly of North Carolina enacts:

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

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

12 The total expenditures of the State for the fiscal period covered by the budget shall
13 not exceed the total of receipts during that fiscal period and the surplus remaining in the
14 State Treasury at the beginning of the period. To insure that the State does not incur a
15 deficit for any fiscal period, the Governor shall continually survey the collection of the
16 revenue and shall effect the necessary economies in State expenditures, after first
17 making adequate provision for the prompt payment of the principal of and interest on
18 bonds and notes of the State according to their terms, whenever he determines that
19 receipts during the fiscal period, when added to any surplus remaining in the State
20 Treasury at the beginning of the period, will not be sufficient to meet budgeted
21 expenditures. The General Assembly may also by law authorize a commission or
22 committee in the Legislative Branch to effect those necessary economies, but such
23 committee or commission may act only during a period (i) before convening of the
24 regular session, (ii) after sine die adjournment of any legislative session, or (iii) during
25 any period in which both houses of the General Assembly are in recess or adjournment
26 for a period of 10 days or more. The law creating the committee or commission shall
27 provide a method for selecting its membership and may provide for officers of either
28 house to make the appointments. If the General Assembly has created such a committee
29 or commission, and the Governor has determined that receipts during the fiscal period,

1 when added to any surplus remaining in the State treasury at the beginning of the
2 period, will not be sufficient to meet budgeted expenditures, the Governor may not
3 effect those necessary economies until 30 days after the determination has been made.

4 This section shall not be construed to impair the power of the State to issue its bonds
5 and notes within the limitations imposed in Article V of this Constitution, nor to impair
6 the obligation of bonds and notes of the State now outstanding or issued hereafter."

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

12 **"[] FOR [] AGAINST**

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

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

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