

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1259*

Short Title: Budget/Const. Amendment.

(Public)

Sponsors: Senators Plyler, Martin of Pitt, Martin of Guilford, Odom; Rand, Perdue, Warren, and Ballance.

Referred to: Judiciary I/Constitution.

May 22, 1996

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CERTAIN CHANGES IN THE CONSTITUTION FOR
2 IMPLEMENTING BUDGET ADJUSTMENTS AND ALLOCATIONS.

3 The General Assembly of North Carolina enacts:

4 Section 1. Chapter 5 of the Session Laws of 1995 is amended by adding a new
5 section to read:

6 "Sec. 1.1. Section 5(3) of Article III of the Constitution of North Carolina reads as
7 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. The General Assembly may by law provide that the
12 Governor may adjust the enacted budget and make allocations from reserves designated
13 by law, subject in certain circumstances to approval by a commission within the
14 legislative branch composed of members of the General Assembly. The power to appoint
15 any commission exercising powers under this subsection may by law be delegated to
16 members of the General Assembly.

17 The total expenditures of the State for the fiscal period covered by the budget shall
18 not exceed the total of receipts during that fiscal period and the surplus remaining in the
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1 State Treasury at the beginning of the period. To insure that the State does not incur a
2 deficit for any fiscal period, the Governor shall continually survey the collection of the
3 revenue and shall effect the necessary economies in State expenditures, after first making
4 adequate provision for the prompt payment of the principal of and interest on bonds and
5 notes of the State according to their terms, whenever he determines that receipts during
6 the fiscal period, when added to any surplus remaining in the State Treasury at the
7 beginning of the period, will not be sufficient to meet budgeted expenditures. This
8 section shall not be construed to impair the power of the State to issue its bonds and notes
9 within the limitations imposed in Article V of this Constitution, nor to impair the
10 obligation of bonds and notes of the State now outstanding or issued hereafter."

11 Sec. 2. Section 3 of Chapter 5 of the 1995 Session Laws reads as rewritten:

12 "Sec. 3. The amendments set out in Sections 1 and 2 of this act shall be submitted to
13 the qualified voters of the State at the general election in November of 1996, which
14 election shall be conducted under the laws then governing elections in the State. Ballots,
15 voting systems, or both may be used in accordance with Chapter 163 of the General
16 Statutes. The question to be used in the voting systems and ballots shall be:

17 **'[] FOR [] AGAINST**

18 Constitutional amendments granting veto power to the Governor.'

19 The amendment set out in Section 1.1 of this act shall be submitted to the qualified
20 voters of the State at the general election in November of 1996, which election shall be
21 conducted under the laws then governing elections in the State. Ballots, voting systems,
22 or both may be used in accordance with Chapter 163 of the General Statutes. The
23 question to be used in the voting systems and ballots shall be:

24 **'[] FOR [] AGAINST**

25 Constitutional amendment allowing the Governor to modify the enacted State budget
26 in accordance with law."

27 Sec. 3. Section 4 of Chapter 5 of the 1995 Session Laws reads as rewritten:

28 "Sec. 4. If a majority of votes cast on the question are in favor of the amendments set
29 out in Sections 1 and 2 of this act, the State Board of Elections shall certify the
30 amendments to the Secretary of State. If a majority of votes cast on the question are in
31 favor of the amendment set out in Section 1.1 of this act, the State Board of Elections
32 shall certify the amendment to the Secretary of State. The amendments become effective
33 January 1, 1997. The Secretary of State shall enroll the amendments so certified among
34 the permanent records of that office."

35 Sec. 4. This act is effective upon ratification.