

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1989

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SENATE BILL 2

Short Title: Budget Enactment Deadline.

(Public)

Sponsors: Senators Sands; and Murphy.

Referred to: Rules and Operation of the Senate.

December 7, 1989

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
2 REQUIRE THE GENERAL ASSEMBLY TO ENACT A COMPREHENSIVE
3 BUDGET BY A SPECIFIED DATE.
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5 The General Assembly of North Carolina enacts:

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

8 "(3) Budget. The Governor shall prepare and recommend to the General
9 Assembly a comprehensive budget of the anticipated revenue and proposed
10 expenditures of the State for the ensuing fiscal ~~period~~biennium. The biennium shall
11 begin on the first day of July in each odd-numbered year and continue through the last
12 day of June of the next odd-numbered year. The budget shall be submitted by the
13 Governor to the General Assembly no later than the date established by law. The
14 General Assembly must enact a comprehensive budget of expenditures no later than the
15 first day of June of each odd-numbered year, covering the next fiscal biennium. If the
16 General Assembly fails to adopt such a comprehensive budget by that date, then the
17 comprehensive budget proposed by the Governor, including such changes in laws
18 raising revenue as the Governor proposed in the budget, shall become a law on the first
19 day of July of that year if the Governor issues an executive order to that effect no later
20 than the fifteenth day of June of that year. If the comprehensive budget proposed by the
21 Governor becomes law by executive order of the Governor as provided by this
22 paragraph, it may be amended, modified, or repealed by the General Assembly by law.

1 The budget as enacted by the General Assembly or as becomes law by executive
2 order of the Governor under the previous paragraph shall be administered by the
3 Governor.

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

17 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to
18 the qualified voters of the State at the general election in November 1990, which
19 election shall be conducted under the laws then governing elections in the State. At that
20 election, each qualified voter desiring to vote shall be provided a ballot on which shall
21 be printed the following:

22 FOR Constitutional amendment requiring the General Assembly to
23 enact a budget by the first day of June.

24 AGAINST Constitutional amendment requiring the General Assembly
25 to enact a budget by the first day of June."

26 Those qualified voters favoring the amendment set out in Section 1 of this
27 act shall vote by making an X or a check mark in the square beside the statement
28 beginning "FOR", and those qualified voters opposed to that amendment shall vote by
29 making an X or check mark in the square beside the statement beginning "AGAINST".

30 Notwithstanding the foregoing provisions of this section, voting machines
31 may be used in accordance with rules and regulations prescribed by the State Board of
32 Elections.

33 Sec. 3. If a majority of votes cast thereon are in favor of the amendment set
34 out in Section 1 of this act, the State Board of Elections shall certify the amendment to
35 the Secretary of State, who shall enroll the amendment so certified among the
36 permanent records of his office, and the amendment shall become effective upon such
37 certification.

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