

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 51

Short Title: Reform Legislative Budget Process.

(Public)

Sponsors: Representatives Blust; Current, Dockham, Hilton, McGee, and Starnes.

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

February 4, 2009

A BILL TO BE ENTITLED

AN ACT TO REFORM THE PREPARATION AND ADMINISTRATION OF THE BUDGET FOR THE GENERAL ASSEMBLY TO PROVIDE GREATER TRANSPARENCY AND TO REGULATE DISCRETIONARY FUNDS AND THE PROCESS OF ENACTMENT OF THE STATE BUDGET.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143C-3-1 reads as rewritten:

"§ 143C-3-1. **Budget estimate for the legislative branch.**

The Legislative Services Officer shall give the Director an estimate of the financial needs of the legislative branch for the upcoming fiscal period in accordance with the schedule prescribed by the Director. A copy of those estimates shall be provided within 14 days to all members of the General Assembly. The estimates for the legislative branch shall be approved and certified by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The estimates shall be itemized in accordance with the accounting classifications adopted by the Controller. The Director shall include the estimates in the budget the Director submits to the General Assembly. The Director may recommend changes to these estimates in the budget submitted to the General Assembly."

SECTION 2. G.S. 143C-6-4(d), (e), and (f) read as rewritten:

"(d) Overexpenditures in Senate Budget. – The President Pro Tempore of the Senate may approve expenditures for more than was authorized in the enacted budget for objects or line items in the budget of the Senate. The President Pro Tempore shall report any such approval to all members of the General Assembly within 14 days.

(e) Overexpenditures in House of Representatives Budget. – The Speaker of the House of Representatives may approve expenditures for more than was authorized in the enacted budget objects or line items in the budget of the House of Representatives. The Speaker shall report any such changes to all members of the General Assembly within 14 days.

(f) Transfers Between Line Items or Programs in General Assembly Budget Other Than Senate and House of Representatives. – Expenditures exceeding amounts authorized for programs, objects, or line items in the budget of the General Assembly other than those of the Senate and House of Representatives shall be approved jointly by the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The President Pro Tempore and the Speaker shall report any such changes to all members of the General Assembly within 14 days."

SECTION 3. Chapter 143C of the General Statutes is amended by adding a new section to read:

"§ 143C-6-10.1. **Legislative budget administration.**



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1 (a) The Speaker shall report to all members of the General Assembly on a monthly
2 basis, within 30 days of the end of the month, all actions taken in administering the budget of
3 the House of Representatives.

4 (b) The President Pro Tempore shall report to all members of the General Assembly on
5 a monthly basis, within 30 days of the end of the month, all actions taken in administering the
6 budget of the Senate.

7 (c) The Legislative Services Officer shall report to all members of the General
8 Assembly on a monthly basis, within 30 days of the end of the month, all actions taken in
9 administering the budget of the General Assembly other than of the Senate and House of
10 Representatives."

11 **SECTION 4.** Chapter 143C of the General Statutes is amended by adding new
12 sections to read:

13 **"§ 143C-5-6. Consideration of budget.**

14 Neither the Current Operations Appropriations Bill nor a bill making general revisions in
15 that act for the second fiscal year of a biennium may not be placed on the favorable calendar
16 for:

17 (1) Second reading earlier than the third legislative day after the bill in the form
18 that will be considered on second reading is distributed to the office of all
19 members of the house where the bill is being considered.

20 (2) Adoption of the conference report earlier than the third legislative day after
21 the conference report in the form that will be presented to the Governor for
22 signature is distributed to the office of all 170 members of the General
23 Assembly.

24 **"§ 143C-5-7. Content of appropriations bills.**

25 (a) No provision changing existing law shall be contained in any of the following bills:
26 (i) the Current Operations Appropriations Bill; (ii) the Capital Improvement Appropriations
27 Bill; (iii) any bill generally revising appropriations for the second fiscal year of a biennium.

28 (b) No amendment to any bill listed in subsection (a) of this section shall be in order if
29 the language is prohibited by that subsection.

30 (c) Notwithstanding subsections (a) and (b) of this section, any of the bills listed in
31 subsection (a) of this section or an amendment to such bill may change existing law if the
32 change:

33 (1) Alters expenditures or salaries;

34 (2) Changes the scope or character of a program which must be reduced,
35 increased, or changed because of an increase or decrease of funds
36 appropriated for the program or because of changes in federal law or
37 regulation; or

38 (3) Modifies any function of State government which necessitates a transfer of
39 funds from one department to another;

40 provided, that for a provision to be in order under this subsection, it must be recommended to
41 the General Assembly in a written report adopted by the Appropriations/Base Budget
42 Committee before or at the same time the bill is reported, or, if such provision is contained in a
43 floor amendment, the sponsor of the amendment must present to the Principal Clerk at or
44 before the time the amendment is offered an explanation of the amendment for distribution to
45 each member of the Senate."

46 **SECTION 5.** This act becomes effective July 1, 2009.