

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 919

Short Title: Taxpayer Protection Act.

(Public)

Sponsors: Representatives Starnes; Cansler, Davis, Gillespie, Grady, Morris, and Sexton.

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

April 5, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE GOVERNMENTAL ACCOUNTABILITY AND
2 PROTECTION TO THE TAXPAYERS BY LIMITING INCREASES IN THE
3 GENERAL FUND BUDGET, REFORMING THE BUDGET PROCESS,
4 ESTABLISHING AN EMERGENCY RESERVE TRUST FUND, AND
5 PROHIBITING UNFUNDED STATE MANDATES.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Article 1 of Chapter 143 of the General Statutes is amended by
9 adding the following new sections:

10 **"§ 143-2.1. Definitions and determination of the General Fund expenditure limit.**

11 (a) Definitions. – The following definitions apply in this section and in G.S. 143-
12 2.3, 143-2.4, 143-15.3A, and 143-15.3B:

13 (1) Credit balance. – That part of the credit balance, as determined on a
14 cash basis, not already reserved to the Emergency Reserve Trust Fund,
15 the Repairs and Renovations Reserve Account, or the Clean Water
16 Management Trust Fund, excluding excess revenue that is over the
17 General Fund expenditure limit.

18 (2) Fiscal growth factor. – The average of the sum of inflation and
19 population change for each of the preceding three calendar years. If

1 either inflation or the population change for the preceding three calendar
2 years is negative, then that change shall be counted as zero.

3 (3) Inflation. – The percentage change in the consumer price index for the
4 United States for each calendar year as published by the Federal Bureau
5 of Labor Statistics.

6 (4) Population change. – The percentage change in State population for
7 each calendar year as reported by the Office of State Planning.

8 (b) General Fund Expenditure Limit. – The General Fund expenditure limit for
9 each fiscal year shall be the previous fiscal year's General Fund expenditure limit
10 increased by a percentage rate that equals the fiscal growth factor.

11 (c) Base Fiscal Year for General Fund Expenditure Limit. – The total authorized
12 General Fund budget for the fiscal year beginning July 1, 1999, plus the fiscal growth
13 factor shall be used to determine the General Fund expenditure limit for the fiscal year
14 beginning July 1, 2000, which will then be used to determine the General Fund
15 expenditure limit for succeeding fiscal years.

16 (d) Decreases in General Fund Expenditure Limit. – If, on or after December 31,
17 1999, the cost of any State program or function is shifted from the General Fund to
18 another source of funding, including, but not limited to, counties or other units of local
19 government, or if moneys are transferred from the General Fund to another fund or
20 account, the General Fund expenditure limit shall be reduced by a like amount.

21 (e) Increases in General Fund Expenditure Limit. – To the extent that any percent
22 increase in appropriations for a fiscal year resulting from compliance with an existing or
23 new mandate imposed by any court or by federal law exceeds the fiscal growth factor, the
24 General Fund expenditure limit for that fiscal year shall be increased by the dollar
25 amount represented by the excess percentage. For all subsequent fiscal years, the
26 General Fund expenditure limit shall then be increased to reflect that dollar adjustment.

27 (f) Fiscal Reports. – On or before March 15 of each year, the Fiscal Research
28 Division and the Office of State Budget and Management shall issue a determination of
29 the General Fund expenditure limit for the fiscal year beginning July 1 of that year and a
30 projection of the General Fund expenditure limit for the next fiscal year. If the Fiscal
31 Research Division and the Office of State Budget and Management do not agree on the
32 General Fund expenditure limit, the lowest determination and projection shall be used.

33 **"§ 143-2.2. Increase in General Fund expenditure limited.**

34 (a) Governor Bound by General Fund Expenditure Limit. – In preparing the
35 budget for a fiscal year, the Governor shall not propose expenditures from the General
36 Fund for the ensuing fiscal period in excess of the projected General Fund expenditure
37 limit established under G.S. 143-2.1.

38 (b) General Assembly Bound by General Fund Expenditure Limit. – In enacting
39 the budget for the fiscal year, the General Assembly shall not make appropriations from
40 the General Fund in excess of the General Fund expenditure limit established under G.S.
41 143-2.1.

42 (c) No State Moneys to Be Paid in Excess of General Fund Expenditure Limit. –
43 No money shall be drawn from the State treasury if the withdrawal will result in a State

1 expenditure for any fiscal year in excess of the General Fund expenditure limit
2 established under G.S. 143-2.1. The Governor, the State Treasurer, and the State
3 Controller shall not issue or redeem any draft, check, warrant, or voucher that will result
4 in a State expenditure for any fiscal year in excess of the General Fund expenditure limit
5 established under G.S. 143-2.1.

6 (d) Revenue in Excess of General Fund Expenditure Limit Credited to Emergency
7 Reserve Trust Fund. – All General Fund revenue collected in excess of the General Fund
8 expenditure limit shall be credited to the Emergency Reserve Trust Fund at the end of
9 each fiscal year.

10 **"§ 143-2.3. Use of General Fund credit balance.**

11 The State Controller shall reserve one-fourth of any credit balance remaining in the
12 General Fund at the end of each fiscal year to the Emergency Reserve Trust Fund. The
13 State Controller shall reserve three percent (3%) of the replacement value of all State
14 buildings supported from the General Fund at the end of each fiscal year to the Repairs
15 and Renovations Reserve Account as provided in G.S. 143-15.3A. The State Controller
16 shall reserve six and one-half percent (6.5%) of any credit balance remaining in the
17 General Fund at the end of each fiscal year or thirty million dollars (\$30,000,000),
18 whichever is greater, to the Clean Water Management Trust Fund as provided by G.S.
19 143-15.3B. The General Assembly may appropriate that part of the anticipated General
20 Fund credit balance not expected to be reserved to the Emergency Reserve Trust Fund,
21 reserved to the Repairs and Renovations Reserve Account, or reserved to the Clean Water
22 Management Trust Fund only for capital improvements or other nonrecurring
23 expenditures within the General Fund expenditure limit.

24 **"§ 143-2.4. Emergency Reserve Trust Fund.**

25 (a) Emergency Reserve Trust Fund Established. – There is established in the
26 Office of the State Treasurer a noninterest-bearing fund known as the Emergency
27 Reserve Trust Fund. The Emergency Reserve Trust Fund shall include the funds
28 reserved by the State Controller in accordance with G.S. 143-2.3. The Emergency
29 Reserve Trust Fund shall also include revenue in excess of the General Fund expenditure
30 limit credited in accordance with G.S. 143-2.2.

31 (b) Transfers From Emergency Reserve Trust Fund Permissible to Pay
32 Appropriations When Budgeted Funds Are Insufficient. – If the Director of the Budget
33 determines that: (i) pursuant to the provisions of G.S. 143-25, the aggregate revenues
34 collected and available during a fiscal year are not sufficient to pay all of the
35 appropriations for that fiscal year in full; or (ii) pursuant to the provisions of Article III,
36 Section 5(3) of the Constitution of North Carolina, receipts during a fiscal year when
37 added to the surplus remaining in the State treasury at the beginning of the fiscal year will
38 not be sufficient to meet budgeted expenditures, the Director may, in the Director's
39 discretion, transfer funds from the Emergency Reserve Trust Fund to pay the
40 appropriations for the fiscal year to the extent funds are available. If the Director of the
41 Budget decides not to transfer the funds from the Emergency Reserve Trust Fund as
42 provided in this section, the Director shall proceed as provided in G.S. 143-25 or Article

1 III, Section 5(3) of the Constitution of North Carolina to administer the budget so as to
2 prevent any overdraft or deficit.

3 (c) Two-Thirds Vote Required to Appropriate Funds From the Emergency
4 Reserve Trust Fund. – The General Assembly may make appropriations out of the
5 Emergency Reserve Trust Fund only by the affirmative vote of two-thirds of the
6 members of each house.

7 (d) Excess Funds to Be Returned to Taxpayers. – If the total of funds in the
8 Emergency Reserve Trust Fund at the end of the fiscal year exceeds an amount equal to
9 five percent (5%) of the total General Fund appropriation for the prior fiscal year, the
10 excess over five percent (5%) shall be reserved to provide tax relief to the citizens of
11 North Carolina.

12 **"§ 143-2.5. Two-thirds vote of General Assembly required to exceed General Fund**
13 **expenditure limit.**

14 The General Assembly may, by an affirmative vote of two-thirds of the members of
15 each house, make General Fund appropriations for nonrecurring expenses in excess of the
16 General Fund expenditure limit for a period not to exceed 12 months beginning on the
17 effective date of the appropriations.

18 **"§ 143-2.6. Unfunded State mandates prohibited.**

19 (a) General Laws. – No county or unit of local government shall be bound by any
20 general law enacted after December 31, 1999, requiring the county or unit of local
21 government to spend funds unless (i) funds have been appropriated by the General
22 Assembly that have been estimated at the time of enactment to be sufficient to fund the
23 expenditure, or (ii) the expenditure is required to comply with a federal law requirement
24 or is required for eligibility for a federal entitlement, which federal requirement
25 specifically contemplates actions by counties or units of local government for
26 compliance.

27 (b) Local Acts. – No county or unit of local government shall be bound by a local
28 act enacted after December 31, 1999, requiring the expenditure of funds unless the local
29 act has been approved by the county or unit of local government affected by the act."

30 Section 2. G.S. 143-15.2 and G.S. 143-15.3 are repealed. The funds in the
31 Savings Reserve Account are transferred to the Emergency Reserve Trust Fund
32 established by G.S. 143-2.4 as enacted by Section 1 of this act.

33 Section 3. This act is effective when it becomes law.