

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**HOUSE BILL 979**

Short Title: Constitution on Transportation Funding. (Public)

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Sponsors: Representatives Cole; Bowie, Capps, Coates, Culp, Decker, Fox, Frye, and Gillespie.

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

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April 9, 2003

A BILL TO BE ENTITLED

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2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION, SUBJECT TO  
3 APPROVAL OF THE VOTERS OF THE STATE, LIMITING THE GOVERNOR  
4 FROM REDUCING OR DIVERTING FUNDS APPROPRIATED BY THE  
5 GENERAL ASSEMBLY FOR TRANSPORTATION PURPOSES.

6 The General Assembly of North Carolina enacts:

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

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

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

26 In exercising the powers contained in this section, the Governor shall not reduce,  
27 withhold, or transfer funds appropriated by the General Assembly to the Highway Fund  
28 or the Highway Trust Fund unless, after making adequate provision for the prompt

