

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 436

Short Title: Clarify Local Government Oversight. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to: Appropriations/Base Budget.

March 27, 2013

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SCOPE OF THE STATE BUDGET ACT AND THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143C-1-1(b) reads as rewritten:

"(b) The provisions of this Chapter shall apply to every State agency, unless specifically ~~exempted herein, and to exempted.~~ G.S. 143C-2-1, G.S. 143C-3-4, and Part 3 of Article 6 of this Chapter apply to every non-State entity that receives or expends any State funds. No State agency or non-State entity shall expend any State funds except in accordance with an act of appropriation and the requirements of this Chapter. The provisions of Chapter 120 of the General Statutes shall continue to apply to the General Assembly and to control its expenditures and in the event of a conflict with this Chapter, the provisions of Chapter 120 of the General Statutes shall control. Nothing in this Chapter abrogates or diminishes the inherent power of the legislative, executive, or judicial branch."

SECTION 2. G.S. 159-7 reads as rewritten:

"§ 159-7. Short title; definitions; local acts superseded.

(a) This Article may be cited as "The Local Government Budget and Fiscal Control Act."

(b) The words and phrases defined in this section have the meanings indicated when used in this Article, unless the context clearly requires another meaning.

...

(10) "Public authority" is a municipal corporation (other than a unit of local government) that is ~~not-only~~ subject to the State Budget Act as a non-State entity (Chapter 143C of the General Statutes) or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation, (ii) is ~~not-only~~ subject to the State Budget Act, Act as a non-State entity, and (iii) operates on an area, regional, or multi-unit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.

...

(15) "Unit," "unit of local government," or "local government" is a municipal corporation that is ~~not-only~~ subject to the State Budget Act as a non-State entity (Chapter 143C of the General Statutes) and that has the power to levy taxes, including a consolidated city-county, as defined by G.S. 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.



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SECTION 3. This act is effective when it becomes law.