

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 6

Short Title: Veto.

(Public)

Sponsors: Senators Ezzell; Bryan, Johnson of Cabarrus, Rauch, Allran, Guy, and Chalk.

Referred to: Constitution.

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A GUBERNATORIAL VETO.

The General Assembly of North Carolina enacts:

Section 1. Article II, Section 22 of the Constitution of North Carolina reads as rewritten:

"Sec. 22. Action on bills. ~~All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.~~

(1) All bills proposing a new or revised Constitution or an amendment or amendments to this Constitution or calling a convention of the people of this State, and containing no other matters, shall be submitted to the qualified voters of this State after they shall have been read three times in each house, and signed by the presiding officers of both houses.

(2) All bills approving an amendment to the Constitution of the United States, or applying for a convention to propose amendments to the Constitution of the United States, and containing no other matters, shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

(3) All bills making appointments to offices under:

a. Article III, Section 5(8);

b. Article IX, Section 8; or

c. Article IV, Section 9(1)

of this Constitution, and containing no other matters, shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

1 (4) Any other bill shall be read three times in each house and shall be signed by
2 the presiding officer of each house before being presented to the Governor. If the
3 Governor approves, he shall sign it and it shall become a law; but if not, he shall return
4 it with his objections to that house in which it shall have originated, which shall enter
5 the objections at large on its journal, and proceed to reconsider it. If after such
6 reconsideration two-thirds of the members present of that house shall agree to pass the
7 bill, it shall be sent, together with the objections, to the other house, by which it shall
8 likewise be reconsidered; and if approved by two-thirds of the members present of that
9 house, it shall become a law notwithstanding the objections of the Governor. In all such
10 cases the votes of both houses shall be determined by yeas and nays, and the names of
11 the members voting shall be entered on the journal of each house respectively.

12 (5) If any bill presented to the Governor contains items of appropriation of
13 money, he may object to one or more of such items while approving of the other portion
14 of the bill. In such a case he shall append to the bill, at the time of signing it, a
15 statement of the items to which he objects; and the appropriations so objected to shall
16 not take effect. If the General Assembly shall be in session, he shall transmit to the
17 house in which the bill originated a copy of such statement, and the items objected to
18 shall be separately reconsidered. If after such reconsideration any such items be
19 approved by two-thirds of the members present of that house, the item or items
20 approved, together with the Governor's statement of objection thereto shall be
21 transmitted to the other house and the item separately reconsidered; and if any item be
22 approved by two-thirds of the members present of that house, the same shall be part of
23 the law, notwithstanding the objections of the Governor.

24 (6) All the provisions of this section in relation to bills not approved by the
25 Governor shall apply in cases in which he shall withhold his approval for any item or
26 items contained in a bill appropriating money.

27 (7) If any bill shall not be returned by the Governor within seven days (Sundays
28 excepted) after it shall have been presented to him the same shall be a law in like
29 manner as if he had signed it, unless the General Assembly shall by its adjournment:

30 a. Sine die; or

31 b. For more than 30 days,

32 prevent its return, in which case it shall become a law if approved by the Governor
33 within 30 days after such adjournment. In any case where adjournment **sine die** or for
34 more than 30 days prevents the return of the bill, the Governor shall reconvene that
35 session as provided by Article III, Section 5(7) of this Constitution for reconsideration
36 of the bill.

37 (8) For purposes of return of bills not approved by the Governor, the General
38 Assembly shall be considered to be continuously in session until it adjourns **sine die** or
39 until it adjourns for more than 30 days; and the Principal Clerk of the House of
40 Representatives (or another officer designated by the House of Representatives) and the
41 Principal Clerk of the Senate (or another officer designated by the Senate) shall be
42 deemed proper recipients of such returned bills during recess or adjournment of the
43 General Assembly other than **sine die** or for more than 30 days.

1 (9) Every joint resolution shall be read three times in each house before it
2 becomes effective, and shall be signed by the presiding officers of both houses.

3 (10) Whenever the Governor reconvenes the session as provided by Article III,
4 Section 5(7) of this Constitution and subdivision (3) of this section, he shall return any
5 bill requiring the call of the session with his objections to that house in which it shall
6 have originated.

7 (11) This section does not apply to any appointments made by the General
8 Assembly to public office as allowed under:

9 a. Article III, Section 5(8);

10 b. Article IX, Section 8; or

11 c. Article IV, Section 9(1)

12 of this constitution by joint action other than passage of a bill.

13 (12) This section does not apply to appointments made to public office as allowed
14 under:

15 a. Article III, Section 5(8);

16 b. Article IX, Section 8;

17 c. Article IV, Section 9(1); or

18 d. Article IX, Section 4(1)

19 of this Constitution when the appointments are made subject to confirmation by both
20 houses of the General Assembly."

21 Sec. 2. Section 5 of Article III of the Constitution of North Carolina is
22 amended by adding a new subdivision to read:

23 "(11) Reconvened sessions. The Governor shall, when required by Section 22 of
24 Article II of this Constitution, reconvene a session of the General Assembly for the
25 purpose of reconsideration of any bill which adjournment of that session:

26 a. Sine die; or

27 b. For more than 30 days

28 prevented his returning with his objections. At such reconvened session, the General
29 Assembly may only consider such bills as were returned by the Governor to that
30 reconvened session for reconsideration. Such reconvened session shall begin on a date
31 set by the Governor, but no later than 40 days after the General Assembly adjourned:

32 a. Sine die; or

33 b. For more than 30 days.

34 If the date of reconvening the session occurs after the expiration of the terms of
35 office of the members of the General Assembly, then the members serving for the
36 reconvened session shall be the newly-elected members."

37 Sec. 3. The amendments set forth in Sections 1 and 2 of this act shall be
38 submitted to the qualified voters of the State at the statewide general election to be held
39 in November of 1990, which shall be conducted under the laws then governing elections
40 in the State.

41 Sec. 4. At that election, each qualified voter desiring to vote shall be
42 provided a ballot on which shall be printed the following:

1 "[]" FOR constitutional amendments granting veto power to the Governor,
2 provided such veto may be overridden by two-thirds vote of each
3 house of the General Assembly.

4 [] AGAINST constitutional amendments granting veto power to the
5 Governor, provided such veto may be overridden by two-thirds vote of
6 each house of the General Assembly."

7 Those qualified voters favoring the amendments shall vote by marking an "X" or a check
8 mark in the square beside the statement beginning "FOR", and those qualified voters
9 opposed to the amendment shall vote by marking an "X" or a check mark in the square
10 beside the statement beginning "AGAINST".

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

14 Sec. 5. If a majority of votes cast thereon are in favor of the constitutional
15 amendments set out in Sections 1 and 2 of this act, then the State Board of Elections
16 shall certify the amendments set out in Sections 1 and 2 of this act to the Secretary of
17 State who shall enroll that amendment so certified among the permanent records of his
18 office. These constitutional amendments shall become effective beginning with bills,
19 resolutions, and orders passed in either house of the General Assembly on or after
20 January 1, 1993.

21 Sec. 6. G.S. 120-33 reads as rewritten:

22 **"§ 120-33. Duties of enrolling clerk.**

23 (a) All bills passed by the General Assembly shall be enrolled for ratification
24 under the supervision of the enrolling clerk.

25 (b) Prior to enrolling any bill, the enrolling clerk shall substitute the
26 corresponding Arabic numeral(s) for any date or section number of the General Statutes
27 or of any act of the General Assembly which is written in words.

28 (c) All bills shall be typewritten and carefully proofread before enrollment.

29 (d) Upon ratification of an act or joint resolution, the enrolling clerk shall assign
30 in Arabic numerals a Chapter number to each session law and present one true ratified
31 copy:

32 (1) To the Governor of any act except acts not required to be presented to
33 the Governor under Article II, Section 22 of the Constitution; and

34 (2) To the Secretary of State of:

35 a. Acts not required to be presented to the Governor under Article
36 II, Section 22 of the Constitution; and

37 b. Joint resolutions.

38 ~~deposit the ratified laws and joint resolutions with one true copy of each with the~~
39 ~~Secretary of State.~~

40 (d1) The enrolling clerk shall present to the Secretary of State one true ratified
41 copy of:

42 (1) Any bill which has become law without the approval of the Governor
43 as provided by G.S. 120-29.2(b); and

1 (2) Any bill which has become law notwithstanding the objections of the
2 Governor, as provided by G.S. 120-29.2(c).

3 (d2) No bill required to be presented to the Governor under Article II, Section 22
4 of the Constitution shall be presented to him until the time for moving a reconsideration
5 shall have expired, unless expressly ordered by that house where such bill or joint
6 resolution originated.

7 (e) ~~The enrolling clerk shall furnish each member of the General Assembly with~~
8 ~~a legible conformed copy of all laws and joint resolutions of the General Assembly,~~
9 ~~which shall show the Chapter number of any law or the number of any joint resolution,~~
10 ~~in conformity with the number assigned to the enactment.~~

11 (f) The enrolling clerk upon completion of his duties after each session shall deposit
12 the original bills and resolutions enrolled for ratification by him with the Secretary of
13 State."

14 Sec. 7. G.S. 120-20 reads as rewritten:

15 **"§ 120-20. When acts take effect.**

16 Acts of the General Assembly shall be in force only from and after ~~30~~60 days after
17 the adjournment of the session in which they shall have passed, unless the
18 commencement of the operation thereof be expressly otherwise directed."

19 Sec. 8. G.S. 120-30.9B reads as rewritten:

20 **"§ 120-30.9B. Statewide statutes; State Board of Elections.**

21 The Executive Secretary-Director of the State Board of Elections shall submit to the
22 Attorney General of the United States within 30 days of ~~ratification~~the time they
23 become laws all acts of the General Assembly that amend, delete, add to, modify or
24 repeal any provision of Chapter 163 of the General Statutes or any other statewide
25 legislation, except relating to Chapter 7A of the General Statutes, which constitutes a
26 'change affecting voting' under Section 5 of the Voting Rights Act of 1965."

27 Sec. 8.1. G.S. 120-30.9C reads as rewritten:

28 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

29 The Administrative Officer of the Courts shall submit to the Attorney General of the
30 United States within 30 days of ~~ratification~~the time they become laws all acts of the
31 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
32 7A of the General Statutes of North Carolina which constitutes a 'change affecting
33 voting' under Section 5 of the Voting Rights Act of 1965."

34 Sec. 8.2. G.S. 120-30.9E reads as rewritten:

35 **"§ 120-30.9E. Counties; County Attorney.**

36 The County Attorney of any county covered by the Voting Rights Act of 1965 shall
37 submit to the Attorney General of the United States within 30 days ~~of ratification or~~
38 ~~adoption~~ any local acts of the General Assembly,:

39 (1) Of the time they become laws any local acts of the General Assembly; and

40 (2) Of adoption actions of the county board of commissioners, or the county
41 board of elections or any other county agency which constitutes a 'change affecting
42 voting' under Section 5 of the Voting Rights Act of 1965 in that county."

43 Sec. 8.3. G.S. 120-30.9F reads as rewritten:

44 **"§ 120-30.9F. Municipalities; municipal attorney.**

1 The municipal attorney of any municipality covered by the Voting Rights Act of
2 1965 shall submit to the Attorney General of the United States within 30 days of
3 ~~ratification any local acts of the General Assembly;~~

4 (1) Of the time they become laws any local acts of the General Assembly; and

5 (2) Of adoption actions of the municipal governing body or municipal board of
6 elections or any other municipal agency which constitutes a 'change affecting voting'
7 under Section 5 of the Voting Rights Act of 1965 in that municipality."

8 Sec. 8.4. G.S. 120-30.9G reads as rewritten:

9 **"§ 120-30.9G. School Administrative Units; Boards of Education Attorney.**

10 The attorney for any local board of education where that school administrative unit
11 is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the
12 United States within 30 days of ~~ratification any local acts of the General Assembly;~~

13 (1) Of the time they become laws any local acts of the General Assembly; and

14 (2) Of adoption actions of the local boards of education which constitutes a
15 'change affecting voting' under Section 5 of the Voting Rights Act of 1965 in that
16 school administrative unit. If the change affecting voting is a merger of two or more
17 school administrative units, the change shall be submitted jointly by the attorneys of the
18 school administrative units involved, or by one of them by agreement of the attorneys
19 involved."

20 Sec. 9. G.S. 147-36 reads as rewritten:

21 **"§ 147-36. Duties of Secretary of State.**

22 It is the duty of the Secretary of State:

23 (1) ~~To attend at every session of the legislature for the purpose of receiving bills which~~
24 ~~shall have become laws, and to perform such other duties as may then be devolved upon~~
25 ~~him by resolution of the two Houses,~~ houses of the General Assembly or either of them;

26 (2) To attend the Governor, whenever required by him, for the purpose of
27 receiving documents which have passed the great seal;

28 (3) To receive and keep all conveyances and mortgages belonging to the State;

29 (4) To distribute annually the statutes and the legislative journals;

30 (5) To distribute the acts of Congress received at his office in the manner
31 prescribed for the statutes of the State;

32 (6) To keep a receipt book, in which he shall take from every person to whom a
33 grant shall be delivered, a receipt for the same; but he may inclose grants by mail in a
34 registered letter at the expense of the grantee, unless otherwise directed, first entering
35 the same upon the receipt book;

36 (7) To issue charters and all necessary certificates for the incorporation,
37 domestication, suspension, reinstatement, cancellation and dissolution of corporations
38 as may be required by the corporation laws of the State and maintain a record thereof;

39 (8) To issue certificates of registration of trademarks, labels and designs as may
40 be required by law and maintain a record thereof;

41 (9) To maintain a Division of Publications to compile data on the State's several
42 governmental agencies and for legislative reference;

43 (10) To receive, enroll and safely preserve the Constitution of the State and all
44 amendments thereto;

1 (11) To serve as a member of such boards and commissions as the Constitution
2 and laws of the State may designate;

3 (12) To administer the Securities Law of the State, regulating the issuance and sale
4 of securities, as is now or may be directed;

5 (13) To receive and keep all oaths of public officials required by law to be filed in
6 his office, and as Secretary of State, he is fully empowered to administer official oaths
7 to any public official of whom an oath is required; and

8 (14) To receive and maintain a journal of all appointments made to any State
9 board, agency, commission, council or authority which is filed in the office of the
10 Secretary of State."

11 Sec. 10. Chapter 120 of the General Statutes is amended by adding a new
12 section to read:

13 **"§ 120-29.2. Approval of acts.**

14 (a) If the Governor approves a bill presented to him, he shall write upon the
15 same, to the left of and below the signatures of the presiding officers of the two houses,
16 the fact, date, and time of his approval, as follows: 'Approved .m. this day of ,
17 ' and shall sign the same as follows: ' Governor' The Governor shall then deposit
18 the approved bill with the Secretary of State.

19 (b) If any bill becomes law because of the failure of the Governor to take any
20 action, it shall be the duty of the Governor to return the measure to the enrolling clerk,
21 who shall sign the following certificate on the measure and deposit it with the Secretary
22 of State: 'This bill having been presented to the Governor for his signature on the
23 day of , and the Governor having failed to return it within the time prescribed by
24 law, the same is hereby declared to have become a law

25 This day of , , Enrolling Clerk."

26 (c) If the Governor returns any bill to the house of origin with his objections, he
27 shall write such objections on the measure or cause the objections to be attached to the
28 measure. When any such bill becomes law after reconsideration of the two houses the
29 presiding officers shall, below the objections of the Governor, sign (including the date)
30 the following certificate: 'Became law notwithstanding the objections of the Governor,
31 .m. this day of , .' The second of them to sign shall fill in the time. The
32 enrolling clerk shall deposit the measure with the Secretary of State."

33 Sec. 11. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as
34 rewritten:

35 "(h) Private statutes. In pleading a private statute or right derived therefrom it is
36 sufficient to refer to the statute by its title or the day of its ratification if ratified before
37 January 1, 1993, or the date it becomes law if it becomes law on or after January 1,
38 1993, and the court shall thereupon take judicial notice of it."

39 Sec. 12. G.S. 97-31.1 reads as rewritten:

40 **"§ 97-31.1. Effective date of legislative changes in benefits.**

41 Every act of the General Assembly that changes the benefits enumerated in this
42 Chapter shall ~~have a ratification date of~~ become law no later than June 1 and shall have an
43 effective date of no earlier than January 1 of the year after which it is ratified."

44 Sec. 13. G.S. 120-34(a) reads as rewritten:

1 "(a) The Legislative Services Commission shall publish all laws and joint
2 resolutions, except those bills that did not become effective because they were not
3 approved by the Governor and the bill did not become law notwithstanding the
4 objections of the Governor passed at each session of the General Assembly. The laws
5 and joint resolutions shall be kept separate and indexed separately. Each volume shall
6 contain a certificate from the Secretary of State stating that the volume was printed
7 under the direction of the Legislative Services Commission from ratified acts and
8 resolutions on file in the Office of the Secretary of State. The Commission may publish
9 the Session Laws and House and Senate Journals of extra and special sessions of the
10 General Assembly in the same volume or volumes as those of regular sessions of the
11 General Assembly. In printing, the signatures of the presiding officers shall be omitted.
12 In the case of any laws which were assigned Chapter numbers by the enrolling clerk, but
13 which did not become law because of objections of the Governor, the Legislative
14 Services Office shall omit the Chapter and carry a note as to the reason for its omission.
15 In the case of any bill required to be presented to the Governor, and which became law,
16 the Session Laws shall carry, below the date of ratification, editorial notes as to what
17 time and what date the bill became law."

18 Sec. 14. G.S. 120-133 reads as rewritten:

19 **"§ 120-133. Redistricting communications.**

20 Notwithstanding any other provision of law, all drafting and information requests to
21 legislative employees and documents prepared by legislative employees for legislators
22 concerning redistricting the North Carolina General Assembly or the Congressional
23 Districts are no longer confidential and become public records upon the ~~ratification of the~~
24 act establishing the relevant district plan becoming law. Present and former legislative
25 employees may be required to disclose information otherwise protected by G.S. 120-
26 132 concerning redistricting the North Carolina General Assembly or the Congressional
27 Districts upon the ~~ratification of the~~ act establishing the relevant district plan becoming
28 law."

29 Sec. 15. G.S. 120-149.3 reads as rewritten:

30 "(c) If a legislative proposal receives a favorable report but ~~is not ratified~~ becomes
31 law during the biennial session in which it is introduced, a new assessment report shall
32 be required before the same or a substantially similar legislative proposal may be
33 considered after first reading or by any committee during a subsequent biennial session
34 of the General Assembly. If a proposal receives a favorable report but is not introduced
35 as a legislative proposal, the favorable report shall expire at the adjournment of the
36 biennial session coinciding with or following issuance of the final report."

37 Sec. 16. G.S. 130A-51 reads as rewritten:

38 **"§ 130A-51. City governing body acting as sanitary district board.**

39 (a) When the General Assembly incorporates a city or town that includes within
40 its territory fifty percent (50%) or more of the territory of a sanitary district, the
41 governing body of the city or town shall become ex officio the governing board of the
42 sanitary district if the General Assembly provides for this action in the incorporation act
43 and if the existing sanitary district board adopts a final resolution pursuant to this
44 section. The resolution may be adopted at any time within the period beginning on the

1 day of ratification of the incorporation act becomes law and ending 270 days after the
2 effective that date.

3 Sec. 17. Sections 6 through 16 of this act shall become effective only if the
4 constitutional amendments proposed by Sections 1 and 2 of this act are approved as
5 provided by Sections 3 through 5 of this act, and if so approved, they shall become
6 effective with respect to bills and resolutions passed in either house of the General
7 Assembly on or after January 1, 1993.

8 Sec. 18. This act is effective upon ratification.