

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 6

Constitution Committee Substitute Adopted 4/26/89

Short Title: Veto Conforming Changes.

(Public)

Sponsors:

Referred to:

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE STATUTORY CONFORMING CHANGES NECESSITATED BY AN ACT TO PROVIDE FOR A GUBERNATORIAL VETO.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-33 reads as rewritten:

"§ 120-33. Duties of enrolling clerk.

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

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

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

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

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

(2) To the Secretary of State of:

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

b. Joint resolutions.

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

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

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

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

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

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

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

18           Sec. 2. G.S. 120-20 reads as rewritten:

19 **"§ 120-20. When acts take effect.**

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

23           Sec. 3. G.S. 120-30.9B reads as rewritten:

24 **"§ 120-30.9B. Statewide statutes; State Board of Elections.**

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

31           Sec. 4. G.S. 120-30.9C reads as rewritten:

32 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

33       The Administrative Officer of the Courts shall submit to the Attorney General of the  
34 United States within 30 days of ~~ratification~~the time they become laws all acts of the  
35 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter  
36 7A of the General Statutes of North Carolina which constitutes a 'change affecting  
37 voting' under Section 5 of the Voting Rights Act of 1965."

38           Sec. 5. G.S. 120-30.9E reads as rewritten:

39 **"§ 120-30.9E. Counties; County Attorney.**

40       The County Attorney of any county covered by the Voting Rights Act of 1965 shall  
41 submit to the Attorney General of the United States within 30 days ~~of ratification or~~  
42 ~~adoption any local acts of the General Assembly,;~~

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

1           (2) Of adoption actions of the county board of commissioners, or the  
 2           county board of elections or any other county agency which constitutes  
 3           a 'change affecting voting' under Section 5 of the Voting Rights Act of  
 4           1965 in that county."

5           Sec. 6. G.S. 120-30.9F reads as rewritten:

6   **"§ 120-30.9F. Municipalities; municipal attorney.**

7           The municipal attorney of any municipality covered by the Voting Rights Act of  
 8           1965 shall submit to the Attorney General of the United States within 30 days of  
 9           ~~ratification any local acts of the General Assembly;~~

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

12          (2) Of adoption actions of the municipal governing body or municipal  
 13          board of elections or any other municipal agency which constitutes a  
 14          'change affecting voting' under Section 5 of the Voting Rights Act of  
 15          1965 in that municipality."

16          Sec. 7. G.S. 120-30.9G reads as rewritten:

17   **"§ 120-30.9G. School Administrative Units; Boards of Education Attorney.**

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

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

23          (2) Of adoption actions of the local boards of education which constitutes  
 24          a 'change affecting voting' under Section 5 of the Voting Rights Act of  
 25          1965 in that school administrative unit. If the change affecting voting  
 26          is a merger of two or more school administrative units, the change  
 27          shall be submitted jointly by the attorneys of the school administrative  
 28          units involved, or by one of them by agreement of the attorneys  
 29          involved."

30          Sec. 8. G.S. 147-36 reads as rewritten:

31   **"§ 147-36. Duties of Secretary of State.**

32          It is the duty of the Secretary of State:

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

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

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

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

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

- 1 (6) To keep a receipt book, in which he shall take from every person to  
2 whom a grant shall be delivered, a receipt for the same; but he may  
3 inclose grants by mail in a registered letter at the expense of the  
4 grantee, unless otherwise directed, first entering the same upon the  
5 receipt book;
- 6 (7) To issue charters and all necessary certificates for the incorporation,  
7 domestication, suspension, reinstatement, cancellation and dissolution  
8 of corporations as may be required by the corporation laws of the State  
9 and maintain a record thereof;
- 10 (8) To issue certificates of registration of trademarks, labels and designs as  
11 may be required by law and maintain a record thereof;
- 12 (9) To maintain a Division of Publications to compile data on the State's  
13 several governmental agencies and for legislative reference;
- 14 (10) To receive, enroll and safely preserve the Constitution of the State and  
15 all amendments thereto;
- 16 (11) To serve as a member of such boards and commissions as the  
17 Constitution and laws of the State may designate;
- 18 (12) To administer the Securities Law of the State, regulating the issuance  
19 and sale of securities, as is now or may be directed;
- 20 (13) To receive and keep all oaths of public officials required by law to be  
21 filed in his office, and as Secretary of State, he is fully empowered to  
22 administer official oaths to any public official of whom an oath is  
23 required; and
- 24 (14) To receive and maintain a journal of all appointments made to any  
25 State board, agency, commission, council or authority which is filed in  
26 the office of the Secretary of State."

27 Sec. 9. Chapter 120 of the General Statutes is amended by adding a new  
28 section to read:

29 **"§ 120-29.2. Approval of acts.**

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

35 (b) If any bill becomes law because of the failure of the Governor to take any  
36 action, it shall be the duty of the Governor to return the measure to the enrolling clerk,  
37 who shall sign the following certificate on the measure and deposit it with the Secretary  
38 of State: 'This bill having been presented to the Governor for his signature on  
39 the day of \_\_\_\_\_, \_\_\_\_\_ and the Governor having failed to return it within the time  
40 prescribed by law, the same is hereby declared to have become a law.

41 This day of \_\_\_\_\_, \_\_\_\_\_ Enrolling Clerk'.

42 (c) If the Governor returns any bill to the house of origin with his objections, he  
43 shall write such objections on the measure or cause the objections to be attached to the  
44 measure. When any such bill becomes law after reconsideration of the two houses the

1 presiding officers shall, below the objections of the Governor, sign (including the date)  
2 the following certificate: 'Became law notwithstanding the objections of the Governor,  
3 .m. this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_'. The second of them to sign shall fill in the time. The  
4 enrolling clerk shall deposit the measure with the Secretary of State.'"

5 Sec. 10. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as  
6 rewritten:

7 "(h) Private statutes. In pleading a private statute or right derived therefrom it is  
8 sufficient to refer to the statute by its title or the day of its ratification if ratified before  
9 January 1, 1993, or the date it becomes law if it becomes law on or after January 1,  
10 1993, and the court shall thereupon take judicial notice of it.'"

11 Sec. 11. G.S. 97-31.1 reads as rewritten:

12 **"§ 97-31.1. Effective date of legislative changes in benefits.**

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

16 Sec. 12. G.S. 120-34(a) reads as rewritten:

17 "(a) The Legislative Services Commission shall publish all laws and joint  
18 resolutions, except those bills that did not become effective because they were not  
19 approved by the Governor and the bill did not become law notwithstanding the  
20 objections of the Governor passed at each session of the General Assembly. The laws  
21 and joint resolutions shall be kept separate and indexed separately. Each volume shall  
22 contain a certificate from the Secretary of State stating that the volume was printed  
23 under the direction of the Legislative Services Commission from ratified acts and  
24 resolutions on file in the Office of the Secretary of State. The Commission may publish  
25 the Session Laws and House and Senate Journals of extra and special sessions of the  
26 General Assembly in the same volume or volumes as those of regular sessions of the  
27 General Assembly. In printing, the signatures of the presiding officers shall be omitted.  
28 In the case of any laws which were assigned Chapter numbers by the enrolling clerk, but  
29 which did not become law because of objections of the Governor, the Legislative  
30 Services Office shall omit the Chapter and carry a note as to the reason for its omission.  
31 In the case of any bill required to be presented to the Governor, and which became law,  
32 the Session Laws shall carry, below the date of ratification, editorial notes as to what  
33 time and what date the bill became law.'"

34 Sec. 13. G.S. 120-133 reads as rewritten:

35 **"§ 120-133. Redistricting communications.**

36 Notwithstanding any other provision of law, all drafting and information requests to  
37 legislative employees and documents prepared by legislative employees for legislators  
38 concerning redistricting the North Carolina General Assembly or the Congressional  
39 Districts are no longer confidential and become public records upon the ~~ratification of the~~  
40 act establishing the relevant district plan becoming law. Present and former legislative  
41 employees may be required to disclose information otherwise protected by G.S. 120-  
42 132 concerning redistricting the North Carolina General Assembly or the Congressional  
43 Districts upon the ~~ratification of the~~ act establishing the relevant district plan becoming  
44 law.'"

1           Sec. 14. G.S. 120-149.3 reads as rewritten:

2           "(c) If a legislative proposal receives a favorable report but ~~is not ratified—does not~~  
3 become law during the biennial session in which it is introduced, a new assessment  
4 report shall be required before the same or a substantially similar legislative proposal  
5 may be considered after first reading or by any committee during a subsequent biennial  
6 session of the General Assembly. If a proposal receives a favorable report but is not  
7 introduced as a legislative proposal, the favorable report shall expire at the adjournment  
8 of the biennial session coinciding with or following issuance of the final report."

9           Sec. 15. G.S. 130A-51(a) reads as rewritten:

10          "(a) When the General Assembly incorporates a city or town that includes within  
11 its territory fifty percent (50%) or more of the territory of a sanitary district, the  
12 governing body of the city or town shall become ex officio the governing board of the  
13 sanitary district if the General Assembly provides for this action in the incorporation act  
14 and if the existing sanitary district board adopts a final resolution pursuant to this  
15 section. The resolution may be adopted at any time within the period beginning on the  
16 day ~~of ratification of—the~~ incorporation act becomes law and ending 270 days after ~~the~~  
17 effective that date."

18          Sec. 16. G.S. 103-5 reads as rewritten:

19          "**§ 103-5. Acts to be done on Sunday or holidays.**

20          (a) Where the day or the last day for doing an act required or permitted by law to  
21 be done falls on Sunday or a holiday the act may be done on the next succeeding secular  
22 or business day and where the courthouse in any county is closed on Saturday or any  
23 other day by order of the board of county commissioners of said county and the day or  
24 the last day required for filing an advance bid or the filing of any pleading or written  
25 instrument of any kind with any officer having an office in the courthouse, or the  
26 performance of any act required or permitted to be done in said courthouse falls on  
27 Saturday or other day during which said courthouse is closed as aforesaid, then said  
28 Saturday or other day during which said courthouse is closed as aforesaid shall be  
29 deemed a holiday; and said advance bid, pleading or other written instrument may be  
30 filed, and any act required or permitted to be done in the courthouse may be done on the  
31 next day during which the courthouse is open for business.

32          (b) This section does not apply where the act required or permitted by law to be  
33 done is prescribed by Section 22 of Article II, or Section 5(11) of Article III, of the  
34 Constitution of North Carolina."

35          Sec. 17. Sections 1 through 16 of this act shall become effective only if  
36 Senate Bill 3, 1989 Session, AN ACT TO PROVIDE FOR A GUBERNATORIAL  
37 VETO, is ratified and the constitutional amendments proposed by Sections 1 and 2 of  
38 that act are approved as provided by Sections 3 through 5 of that act, and if so approved,  
39 Sections 1 through 16 of this act shall become effective with respect to bills and  
40 resolutions passed in either house of the General Assembly on or after January 1, 1993.

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