

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 67

Short Title: Veto/Succession Repeal.

(Public)

Sponsors: Representatives Lineberry; and Bowman.

Referred to: Courts, Justice, Constitutional Amendments and Referenda.

February 13, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM IN NOVEMBER 1992 TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO REQUIRING A THREE-FIFTHS VOTE TO OVERRIDE, AND IN A SEPARATE BALLOT QUESTION IN NOVEMBER 1992 TO REPEAL THE CONSTITUTIONAL AMENDMENT PERMITTING THE GOVERNOR AND LIEUTENANT GOVERNOR TO SERVE TWO SUCCESSIVE TERMS.

The General Assembly of North Carolina enacts:

PART I. VETO

Section 1.1. Section 22 of Article II 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) Amendments to Constitution of North Carolina. Every bill 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 matter, shall be submitted to the qualified voters of this State after it shall have been read three times in each house, and signed by the presiding officers of both houses.

(2) Amendments to Constitution of the United States. Every bill 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 matter, shall be read three times in each house before it becomes law, and shall be signed by the presiding officers of both houses.

1 (3) Appointments by General Assembly. Every bill in which the General
2 Assembly makes an appointment or appointments to public office and which contains
3 no other matter, shall be read three times in each house before it becomes law, and shall
4 be signed by the presiding officers of both houses.

5 (4) Joint resolutions. Every joint resolution shall be read three times in each
6 house before it becomes effective, and shall be signed by the presiding officers of both
7 houses.

8 (5) Local bills. Every bill that applies in fewer than 15 counties shall be read
9 three times in each house before it becomes law and shall be signed by the presiding
10 officers of both houses. The exemption from veto by the Governor provided in this
11 subdivision does not apply if the bill, at the time it is signed by the presiding officers:

12 a. Would extend the application of a law so that the law would apply in
13 more than half the counties in the State, or

14 b. Would enact a law so similar in effect to another law or laws that the
15 result would be a law applying in more than half the counties in the
16 State.

17 Notwithstanding the previous sentence, a bill is exempt from veto if by its terms it
18 applies to the government of only one named county, city, town, school administrative
19 unit, or other unit of local government and contains no other matter. Notwithstanding
20 any other language in this subdivision, the exemption from veto provided by this
21 subdivision does not apply to any bill to enact a general law classified by population or
22 other criteria, or to any bill that contains an appropriation from the State treasury.

23 (6) State Senate redistricting. Every bill revising the Senate districts and the
24 apportionment of Senators among those districts, and containing no other matter, shall
25 be read three times in each house before it becomes law and shall be signed by the
26 presiding officers of both houses.

27 (7) State House redistricting. Every bill revising the representative districts and
28 the apportionment of Representatives among those districts, and containing no other
29 matter, shall be read three times in each house before it becomes law and shall be signed
30 by the presiding officers of both houses.

31 (8) Congressional redistricting. Every bill revising the districts for the election of
32 members of the House of Representatives of the Congress of the United States and the
33 apportionment of Representatives among those districts, and containing no other matter,
34 shall be read three times in each house before it becomes law and shall be signed by the
35 presiding officers of both houses.

36 (9) Bills subject to veto by Governor; override of veto. Any other bill shall be
37 read three times in each house and shall be signed by the presiding officer of each house
38 before being presented to the Governor. If the Governor approves, he shall sign it and it
39 shall become a law; but if not, he shall return it with his objections, together with a veto
40 message stating his reasons for such objections, to that house in which it shall have
41 originated, which shall enter the objections and veto message at large on its journal, and
42 proceed to reconsider it. If after such reconsideration three-fifths of the members
43 present and voting of that house shall agree to pass the bill, it shall be sent, together
44 with the objections and veto message, to the other house, by which it shall likewise be

1 reconsidered; and if approved by three-fifths of the members present and voting of that
2 house, it shall become a law notwithstanding the objections of the Governor. In all such
3 cases the votes of both houses shall be determined by yeas and nays, and the names of
4 the members voting shall be entered on the journal of each house respectively.

5 (10) Time for action by Governor; reconvening of session. If any bill shall not be
6 returned by the Governor within 10 days after it shall have been presented to him, the
7 same shall be a law in like manner as if he had signed it, unless the General Assembly
8 shall have adjourned:

9 a. Sine die; or

10 b. For more than 30 days,

11 in which case it shall become a law unless, within 30 days after such adjournment, it is
12 returned by the Governor with his objections and veto message to that house in which it
13 shall have originated. When the General Assembly has adjourned **sine die** or for more
14 than 30 days, the Governor shall reconvene that session as provided by Article III,
15 Section 5(11) of this Constitution for reconsideration of the bill, and if he does not
16 reconvene the session, the bill shall become law on the fortieth day after such
17 adjournment.

18 (11) Return of bills after adjournment. For purposes of return of bills not approved
19 by the Governor, each house shall designate its principal clerk or another officer to
20 receive returned bills during its adjournment."

21 Sec. 1.2. 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. At such
25 reconvened session, the General Assembly may only consider such bills as were
26 returned by the Governor to that reconvened session for reconsideration. Such
27 reconvened session shall begin on a date set by the Governor, but no later than 40 days
28 after the General Assembly adjourned:

29 a. Sine die; or

30 b. For more than 30 days.

31 If the date of reconvening the session occurs after the expiration of the terms of
32 office of the members of the General Assembly, then the members serving for the
33 reconvened session shall be the newly elected members."

34 Sec. 1.3. The amendments set forth in Sections 1.1 and 1.2 of this act shall be
35 submitted to the qualified voters of the State at the statewide general election to be held
36 in November of 1992, which shall be conducted under the laws then governing elections
37 in the State.

38 Sec. 1.4. At that election, each qualified voter desiring to vote shall be
39 provided a ballot on which shall be printed the following:

40 "[] FOR constitutional amendments to give the Governor a veto, subject to
41 override by three-fifths of the members present and voting in each
42 house of the General Assembly.

1 AGAINST constitutional amendments to give the Governor a veto,
2 subject to override by three-fifths of the members present and voting in
3 each house of the General Assembly."

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

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

11 Sec. 1.5. If a majority of votes cast are in favor of the constitutional
12 amendments set out in Sections 1.1 and 1.2 of this act, then the State Board of Elections
13 shall certify the amendments set out in Sections 1.1 and 1.2 of this act to the Secretary
14 of State who shall enroll the amendments so certified among the permanent records of
15 his office. The constitutional amendments proposed by Sections 1.1 and 1.2 of this act
16 become effective January 1, 1993.

17 **PART II. REPEAL OF SUCCESSION.**

18 Sec. 2.1. Section 2(2) of Article III of the Constitution of North Carolina
19 reads as rewritten:

20 "(2) Qualifications. No person shall be eligible for election to the office of
21 Governor or Lieutenant Governor unless, at the time of his election, he shall have
22 attained the age of 30 years and shall have been a citizen of the United States for five
23 years and a resident of this State for two years immediately preceding his election. ~~No~~
24 ~~person elected to the Office of Governor or Lieutenant Governor shall be eligible for election to~~
25 ~~more than two consecutive terms of the same office. No person elected to either of these~~
26 offices shall be eligible for election to the next succeeding term of the same office,
27 except that the person elected Lieutenant Governor in 1988 shall be eligible for election
28 to the next succeeding term of that office."

29 Sec. 2.2. The amendment set forth in Section 2.1 of this act shall be
30 submitted to the qualified voters of the State at the statewide general election to be held
31 in November of 1992, which shall be conducted under the laws then governing elections
32 in the State.

33 Sec. 2.3. At that election, each qualified voter desiring to vote shall be
34 provided a ballot on which shall be printed the following:

35 FOR constitutional amendment to prohibit future Governors and
36 Lieutenant Governors from serving more than one consecutive term.

37 AGAINST constitutional amendment to prohibit future Governors and
38 Lieutenant Governors from serving more than one consecutive term."

39 Those qualified voters favoring the amendment shall vote by marking an "X" or a check
40 mark in the square beside the statement beginning "FOR", and those qualified voters
41 opposed to the amendment shall vote by marking an "X" or a check mark in the square
42 beside the statement beginning "AGAINST".

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

4 Sec. 2.4. If a majority of votes cast are in favor of the constitutional
5 amendment set out in Sections 2.1 of this act, then the State Board of Elections shall
6 certify the amendment set out in Sections 1.1 of this act to the Secretary of State who
7 shall enroll the amendment so certified among the permanent records of his office. The
8 constitutional amendment proposed by Section 2.1 of this act becomes effective for
9 terms of office beginning January 1, 1993.

10 Sec. 3. This act is effective upon ratification.