

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 156*

Short Title: Veto.

(Public)

Sponsors: Senators Smith; and Bryan.

Referred to: Constitution.

February 21, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A GUBERNATORIAL VETO REQUIRING A TWO-THIRDS VOTE TO OVERRIDE AND INCLUDING A LINE-ITEM VETO FOR APPROPRIATIONS MEASURES.

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) Appointments by General Assembly. Every bill in which the General Assembly makes an appointment or appointments to public office and which contains 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.

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

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

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

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

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

10 (4) State Senate redistricting. Every bill revising the Senate districts and the
11 apportionment of Senators of the General Assembly among those districts, and
12 containing no other matter, shall be read three times in each house before it becomes
13 law and shall be signed by the presiding officers of both houses.

14 (5) State House redistricting. Every bill revising the representative districts and
15 the apportionment of Representatives of the General Assembly among those districts,
16 and containing no other matter, shall be read three times in each house before it
17 becomes law and shall be signed by the presiding officers of both houses.

18 (6) Bills subject to veto by Governor; override of veto. Any other bill shall be
19 read three times in each house and shall be signed by the presiding officer of each house
20 before being presented to the Governor. If the Governor approves, he shall sign it and it
21 shall become a law; but if not, he shall return it with his objections, together with a veto
22 message stating his reasons for such objections, to that house in which it shall have
23 originated, which shall enter the objections and veto message at large on its journal, and
24 proceed to reconsider it. If after such reconsideration two-thirds of all the members of
25 that house shall agree to pass the bill, it shall be sent, together with the objections and
26 veto message, to the other house, by which it shall likewise be reconsidered; and if
27 approved by two-thirds of all the members of that house, it shall become a law
28 notwithstanding the objections of the Governor. In all such cases the votes of both
29 houses shall be determined by yeas and nays, and the names of the members voting
30 shall be entered on the journal of each house respectively.

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

35 a. sine die; or

36 b. for more than 30 days,

37 in which case it shall become a law unless, within 30 days after such adjournment, it is
38 returned by the Governor with his objections and veto message to that house in which it
39 shall have originated. When the General Assembly has adjourned **sine die** or for more
40 than 30 days, the Governor shall reconvene that session as provided by Article III,
41 Section 5(11) of this Constitution for reconsideration of the bill, and if he does not
42 reconvene the session, the bill shall become law on the 40th day after such adjournment.

1 (8) Return of bills after adjournment. For purposes of return of bills not approved
2 by the Governor, each house shall designate its principal clerk or another officer to
3 receive returned bills during its adjournment.

4 (9) Line-item veto. If any bill presented to the Governor contains items of
5 appropriations of money, he may object to one or more items while approving of the
6 other portion of the bill. In such a case he shall append to the bill, at the time of signing
7 it, a statement of the items to which he objects; and the appropriations so objected to
8 shall not take effect. He shall transmit to the house in which the bill originated a copy of
9 such statement, and the items objected to shall be separately reconsidered. If after such
10 reconsideration any such items be approved by two-thirds of all the members of that
11 house, the item or items approved, together with the Governor's statement of objections
12 thereto, shall be transmitted to the other house and the item separately reconsidered; and
13 if any item be approved by two-thirds of all the members of of that house, the same
14 shall be part of the law, notwithstanding the objections of the Governor. All the
15 provisions of this section in relation to bills not approved by the Governor shall apply in
16 cases in which he shall withhold his approval for any item or items contained in a bill
17 appropriating money.”

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

20 “(11) Reconvened sessions. The Governor shall, when required by Section 22 of
21 Article II of this Constitution, reconvene a session of the General Assembly. At such
22 reconvened session, the General Assembly may only consider such bills as were
23 returned by the Governor to that reconvened session for reconsideration. Such
24 reconvened session shall begin on a date set by the Governor, but no later than 40 days
25 after the General Assembly adjourned:

- 26 a. sine die; or
27 b. for more than 30 days.

28 If the date of reconvening the session occurs after the expiration of the terms of
29 office of the members of the General Assembly, then the members serving for the
30 reconvened session shall be the newly elected members.”

31 Sec. 3. Article XIII, Section 1 of the Constitution of North Carolina reads as
32 rewritten:

33 "Section 1. Convention of the People.

34 No Convention of the People of this State shall ever be called unless by the concurrence
35 of two-thirds of all the members of each house of the General Assembly and of the
36 Governor, and unless the proposition ‘Convention or No Convention’ is first submitted
37 to the qualified voters of the State at the time and in the manner prescribed by the
38 General Assembly. If a majority of the votes cast upon the proposition are in favor of a
39 Convention, it shall assemble on the day prescribed by the General Assembly. The
40 General Assembly shall, in the act of submitting the convention proposition, propose
41 limitations upon the authority of the Convention; and if a majority of the votes cast
42 upon the proposition are in favor of a Convention, those limitations shall become
43 binding upon the Convention. Delegates to the Convention shall be elected by the
44 qualified voters at the time and in the manner prescribed in the act of submission. The

1 Convention shall consist of a number of delegates equal to the membership of the House
2 of Representatives of the General Assembly that submits the convention proposition and
3 the delegates shall be apportioned as is the House of Representatives. A Convention
4 shall adopt no ordinance not necessary to the purpose for which the Convention has
5 been called."

6 ♦ Sec. 4. Article XIII, Section 4 of the Constitution of North Carolina reads
7 as rewritten:

8 "Sec. 4. Revision or amendment by legislative initiation.

9 A proposal of a new or revised Constitution or an amendment or amendments to this
10 Constitution may be initiated by the General Assembly, but only if three-fifths of all the
11 members of each house shall adopt with the concurrence of the Governor an act
12 submitting the proposal to the qualified voters of the State for their ratification or
13 rejection. The proposal shall be submitted at the time and in the manner prescribed by
14 the General Assembly. If a majority of the votes cast thereon are in favor of the
15 proposed new or revised Constitution or constitutional amendment or amendments, it or
16 they shall become effective January first next after ratification by the voters unless a
17 different effective date is prescribed in the act submitting the proposal or proposals to
18 the qualified voters."

19 Sec. 5. The amendments set forth in Sections 1 through 4 of this act shall be
20 submitted to the qualified voters of the State on the Tuesday after the first Monday in
21 November of 1991, and the election shall be conducted under the laws then governing
22 elections in the State.

23 Sec. 6. At that election, each qualified voter desiring to vote shall be
24 provided a ballot on which shall be printed the following:

25 "[] FOR constitutional amendments to give the Governor a veto, including
26 a line-item veto for appropriations, subject to being overridden by two-
27 thirds of all the members of each house of the General Assembly.

28 [] AGAINST constitutional amendments to give the Governor a veto,
29 including a line-item veto for appropriations, subject to being
30 overridden by two-thirds of all the members of each house of the
31 General Assembly."

32 Those qualified voters favoring the amendments shall vote by marking an "X" or a check
33 mark in the square beside the statement beginning "FOR", and those qualified voters
34 opposed to the amendment shall vote by marking an "X" or a check mark in the square
35 beside the statement beginning "AGAINST".

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

39 Sec. 7. If a majority of votes cast are in favor of the constitutional
40 amendments set out in Sections 1 through 4 of this act, then the State Board of Elections
41 shall certify the amendments set out in Sections 1 through 4 of this act to the Secretary
42 of State who shall enroll the amendments so certified among the permanent records of
43 his office. The constitutional amendments proposed by Sections 1 through 4 of this act
44 shall become effective January 1, 1992.

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