

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1072

Short Title: Veto/Confirmation.

(Public)

Sponsors: Representatives McLaughlin; Bowman and Flaherty.

Referred to: Constitutional Amendments and Referenda.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION
TO ESTABLISH A GUBERNATORIAL VETO WITH ONE-HOUSE OVERRIDE,
AND TO MAKE STATUTORY CHANGES IN THE APPOINTMENT OF THE
BOARD OF TRANSPORTATION AND PROVIDE FOR LEGISLATIVE
CONFIRMATION OF CERTAIN GUBERNATORIAL APPOINTMENTS.

The General Assembly of North Carolina enacts:

PART I – VETO.

Section 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 subsection 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 subsection, the exemption from veto provided by this
21 subsection 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
28 and 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
32 of members of the House of Representatives of the Congress of the United States and
33 the apportionment of Representatives among those districts, and containing no other
34 matter, shall be read three times in each house before it becomes law and shall be signed
35 by the 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 become a law,
44 notwithstanding the objections of the Governor. If fewer than three-fifths of the

1 members present and voting of that house shall agree to pass the bill, it shall be sent,
2 together with the objections and veto message, to the other house, by which it shall be
3 reconsidered; and if approved by three-fifths of the members present and voting of that
4 house, it shall become a law notwithstanding the objections of the Governor and
5 notwithstanding the vote in the other house. In all such cases the vote of either house
6 shall be determined by yeas and nays, and the names of the members voting shall be
7 entered on the journal of each house respectively.

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

12 (a) Sine die; or

13 (b) For more than 30 days,

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

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

24 Sec. 2. Section 5 of Article III of the Constitution of North Carolina is
25 amended by adding a new subsection to read:

26 "(11) **Reconvened sessions.** The Governor shall, when required by Section 22
27 of Article II of this Constitution, reconvene a session of the General Assembly. At such
28 reconvened session, the General Assembly may only consider such bills as were
29 returned by the Governor to that reconvened session for reconsideration. Such
30 reconvened session shall begin on a date set by the Governor, but no later than 40 days
31 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 1994, 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 both houses shall not have confirmed the appointment by that date, the appointee
2 vacates the office, the person does not hold over, and the person may not be reappointed
3 to fill the vacancy during the remainder of that term of office. The vote on confirmation
4 in each house shall be by majority of those present and voting."

5 Sec. 8. G.S. 143B-350(d) reads as rewritten:

6 "(d) The Board of Transportation shall have ~~two~~six members appointed by the
7 General Assembly. ~~One~~Two of these members shall be appointed upon the
8 recommendation of the Speaker of the House of Representatives, ~~and one two shall be~~
9 ~~appointed~~upon the recommendation of the President of the Senate, ~~Senate, one upon the~~
10 recommendation of the President Pro Tempore of the Senate, and one upon the
11 recommendation of the Speaker Pro Tempore of the House of Representatives. All six
12 legislative appointments shall be made in accordance with G.S. 120-121. The initial
13 members appointed by the General Assembly shall serve for terms expiring June 30,
14 1983. Thereafter, their successors shall serve for two-year terms beginning July 1 of
15 odd-numbered years. Vacancies in appointments made by the General Assembly shall
16 be filled in accordance with G.S. 120-122."

17 **PART III – CONFIRMATION OF GOVERNOR'S CABINET.**

18 Sec. 9. G.S. 143B-9 reads as rewritten:

19 **"§ 143B-9. Appointment of officers and employees.**

20 (a) The head of each principal State department, except those departments
21 headed by popularly elected officers, shall be appointed by the Governor, subject to
22 confirmation by both the Senate and the House of Representatives as provided by
23 subsection (b) of this section, and ~~serve at his pleasure.~~ shall serve at the pleasure of the
24 Governor.

25 The salary of the head of each of the principal State departments and of elected
26 officials shall be as provided by law.

27 The head of a principal State department shall appoint a chief deputy or chief
28 assistant, and such chief deputy or chief assistant shall not be subject to the State
29 Personnel Act. The salary of such chief deputy or chief assistant shall, upon the
30 recommendation of the Governor, be set by the General Assembly. Unless otherwise
31 provided for in the Executive Organization Act of 1973, and subject to the provisions of
32 the Personnel Act, the head of each principal State department shall designate the
33 administrative head of each transferred agency and all employees of each division,
34 section, or other unit of the principal State department.

35 (b) No nominee of the Governor to an office as head of a principal department
36 listed in G.S. 143B-6(1) through (9) shall take office until he shall have been confirmed
37 by both the Senate and the House of Representatives, unless the vacancy occurs after
38 the General Assembly has adjourned **sine die** or for more than 10 days and has not
39 reconvened. If the vacancy occurs after the General Assembly has adjourned **sine die** or
40 for more than 10 days and has not reconvened, the Governor shall appoint a
41 replacement, who shall assume office and serve until the General Assembly next
42 adjourns **sine die** or for more than 10 days, whichever occurs first. For such person to
43 continue in office after that date, the appointment must be confirmed by both the Senate
44 and the House of Representatives. If both those houses have not confirmed the

1 appointment by that date, the appointee vacates the office, the person does not hold
2 over, and the person may not be appointed to fill the vacancy during the remainder of
3 the term of the Governor who made the appointment. The vote on confirmation in each
4 house shall be by majority of those present and voting."

5 Sec. 10. Sections 6 through 9 of this act become effective January 1, 1995,
6 and shall apply to all vacancies occurring on or after that date, but shall become
7 effective only if the constitutional amendments proposed in Sections 1 and 2 of this act
8 are approved as provided in Sections 3 through 5 of this act.

9 Sec. 11. This act is effective upon ratification.