

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 540

Short Title: Balance of Power Amds.

(Public)

Sponsors: Representative Redwine.

Referred to: Judiciary.

March 13, 1989

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOR A
2 GUBERNATORIAL VETO, TO PROVIDE FOUR-YEAR TERMS FOR
3 MEMBERS OF THE GENERAL ASSEMBLY, AND TO PROVIDE FOR
4 LEGISLATIVE CONFIRMATION OF GUBERNATORIAL APPOINTMENTS.
5

6 The General Assembly of North Carolina enacts:

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

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

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

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

22 (3) All bills making appointments to offices under:

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

24 b. Article IX, Section 8; or

1 c. Article IV, Section 9(1) of this Constitution, and containing no
2 other matters, shall be read three times in each house before
3 they become laws, and shall be signed by the presiding officers
4 of both houses.

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

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

24 a. **Sine die**; or

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

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

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

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

5 (9) This section does not apply to any appointments made by the General
 6 Assembly to public office as allowed under:

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

8 b. Article IX, Section 8; or

9 c. Article IV, Section 9(1)

10 of this Constitution by joint action other than passage of a bill.

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

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

14 b. Article IX, Section 8;

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

16 d. Article IX, Section 4(1)

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

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

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

24 a. Sine die; or

25 b. For more than 30 days

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

30 a. Sine die; or

31 b. For more than 30 days.

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

35 Sec. 3. Section 2 of Article II of the Constitution of North Carolina reads as
 36 rewritten:

37 "Sec. 2. Number of Senators. The Senate shall be composed of 50 Senators,
 38 ~~biennially~~ quadrennially chosen by ballot."

39 Sec. 4. Section 4 of Article II of the Constitution of North Carolina reads as
 40 rewritten:

41 "Sec. 4. Number of Representatives. The House of Representatives shall be
 42 composed of 120 Representatives, ~~biennially~~ quadrennially chosen by ballot."

43 Sec. 5. Section 8 of Article II of the Constitution of North Carolina reads as
 44 rewritten:

1 "Sec. 8. Elections. The election for members of the General Assembly shall be held
2 for the respective districts in ~~1972-1990~~ and every ~~two-four~~ years thereafter, ~~at the places~~
3 ~~and on the day prescribed by law.~~ The election shall be on the Tuesday next after the first
4 Monday in November, unless changed in accordance with law."

5 Sec. 6. Section 7(1) of Article III of the Constitution of North Carolina reads
6 as rewritten:

7 "Sec. 7. Other elective officers.

8 (1) Officers. A Secretary of State, an Auditor, a Treasurer, a
9 Superintendent of Public Instruction, an Attorney General, a
10 Commissioner of Agriculture, a Commissioner of Labor, and a
11 Commissioner of Insurance shall be elected by the qualified voters of
12 the State in ~~1972-1992~~ and every four years thereafter, ~~at the same time~~
13 ~~and places as members of the General Assembly are elected.~~ The election
14 shall be on the Tuesday next after the first Monday in November,
15 unless changed in accordance with law. Their term of office shall be
16 four years and shall commence on the first day of January next after
17 their election and continue until their successors are elected and
18 qualified.

19 (2) Duties. Their respective duties shall be prescribed by law.

20 (3) Vacancies. If the office of any of these officers is vacated by death,
21 resignation, or otherwise, it shall be the duty of the Governor to
22 appoint another to serve until his successor is elected and qualified.
23 Every such vacancy shall be filled by election at the first election for
24 members of the General Assembly or for a full term of Secretary of
25 State, whichever comes first, that occurs more than 60 days after the
26 vacancy has taken place, and the person chosen shall hold the office
27 for the remainder of the unexpired term fixed in this Section. When a
28 vacancy occurs in the office of any of the officers named in this
29 Section and the term expires on the first day of January succeeding the
30 next election for members of the General Assembly, the Governor
31 shall appoint to fill the vacancy for the unexpired term of the office.

32 (4) Interim officers. Upon the occurrence of a vacancy in the office of any
33 one of these officers for any of the causes stated in the preceding
34 paragraph, the Governor may appoint an interim officer to perform the
35 duties of that office until a person is appointed or elected pursuant to
36 this Section to fill the vacancy and is qualified.

37 (5) Acting officers. During the physical or mental incapacity of any one
38 of these officers to perform the duties of his office, as determined
39 pursuant to this Section, the duties of his office shall be performed by
40 an acting officer who shall be appointed by the Governor.

41 (6) Determination of incapacity. The General Assembly shall by law
42 prescribe with respect to those officers, other than the Governor,
43 whose offices are created by this Article, procedures for determining
44 the physical or mental incapacity of any officer to perform the duties

1 of his office, and for determining whether an officer who has been
2 temporarily incapacitated has sufficiently recovered his physical or
3 mental capacity to perform the duties of his office. Removal of those
4 officers from office for any other cause shall be by impeachment.

5 (7) Special qualifications for Attorney General. Only persons duly
6 authorized to practice law in the courts of this State shall be eligible
7 for appointment or election as Attorney General."

8 Sec. 7. Section 9(3) of Article IV of the Constitution of North Carolina reads
9 as rewritten:

10 "(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a
11 term of four years by the qualified voters thereof, at the same time and places as
12 members of the General Assembly or the Secretary of State for a full term are elected.
13 If the office of Clerk of the Superior Court becomes vacant otherwise than by the
14 expiration of the term, or if the people fail to elect, the senior regular resident Judge of
15 the Superior Court serving the county shall appoint to fill the vacancy until an election
16 can be regularly held."

17 Sec. 8. Section 18(1) of Article IV of the Constitution of North Carolina
18 reads as rewritten:

19 "(1) District Attorneys. The General Assembly shall, from time to time, divide the
20 State into a convenient number of prosecutorial districts, for each of which a District
21 Attorney shall be chosen for a term of four years by the qualified voters thereof, at the
22 same time and places as members of the General Assembly or the Secretary of State for
23 a full term are elected. Only persons duly authorized to practice law in the courts of this
24 State shall be eligible for election or appointment as a District Attorney. The District
25 Attorney shall advise the officers of justice in his district, be responsible for the
26 prosecution on behalf of the State of all criminal actions in the Superior Courts of his
27 district, perform such duties related to appeals therefrom as the Attorney General may
28 require, and perform such other duties as the General Assembly may prescribe."

29 Sec. 9. Section 19 of Article IV of the Constitution of North Carolina reads
30 as rewritten:

31 "Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies
32 occurring in the offices provided for by this Article shall be filled by appointment of the
33 Governor, and the appointees shall hold their places until the next election for members
34 of the General Assembly or for a full term of Secretary of State, whichever comes first,
35 that is held more than 60 days after the vacancy occurs, when elections shall be held to
36 fill the offices. When the unexpired term of any of the offices named in this Article of
37 the Constitution in which a vacancy has occurred, and in which it is herein provided that
38 the Governor shall fill the vacancy, expires on the first day of January succeeding the
39 next election for members of the General Assembly or for a full term of Secretary of
40 State, whichever comes first, the Governor shall appoint to fill that vacancy for the
41 unexpired term of the office. If any person elected or appointed to any of these offices
42 shall fail to qualify, the office shall be appointed to, held and filled as provided in case
43 of vacancies occurring therein. All incumbents of these offices shall hold until their
44 successors are qualified."

1 Sec. 10. Section 5(8) of Article III of the Constitution of North Carolina
2 reads as rewritten:

3 "(8) Appointments. The Governor shall nominate and by and with the advice and
4 consent of a majority of ~~the Senators~~ each house of the General Assembly appoint all
5 officers whose appointments are not otherwise provided for."

6 Sec. 10.1. Section 7(3) of Article III of the Constitution of North Carolina, as
7 rewritten by Section 6 of this act, reads as rewritten:

8 "(3) Vacancies. If the office of any of these officers is vacated by death,
9 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve
10 until his successor is elected and qualified. Every such vacancy shall be filled by
11 election at the first election for members of the General Assembly or for a full term of
12 Secretary of State, whichever comes first, that occurs more than 60 days after the
13 vacancy has taken place, and the person chosen shall hold the office for the remainder
14 of the unexpired term fixed in this Section. When a vacancy occurs in the office of any
15 of the officers named in this Section and the term expires on the first day of January
16 succeeding the next election for members of the General Assembly, the Governor shall
17 appoint to fill the vacancy for the unexpired term of the office. Any appointment made
18 by the Governor under this section shall be for a term to expire 30 calendar days after
19 the next day both the Senate and House of Representatives are in session, except if an
20 earlier expiration is provided above. For such person to continue in office after that date
21 by appointment of the Governor, the appointment must be confirmed by both the Senate
22 and the House of Representatives. If both of those houses shall not have confirmed the
23 appointment by that date, the term of the appointee shall expire, the person does not
24 hold over, and the person may not be appointed to fill that vacancy during the remainder
25 of that term of office."

26 Sec. 10.2. Section 19 of Article IV of the Constitution of North Carolina, as
27 rewritten by Section 9 of this act, reads as rewritten:

28 "Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies
29 occurring in the offices provided for by this Article shall be filled by appointment of the
30 Governor, and the appointees shall hold their places until the next election for members
31 of the General Assembly or for a full term of Secretary of State, whichever comes first,
32 that is held more than 60 days after the vacancy occurs, when elections shall be held to
33 fill the offices. When the unexpired term of any of the offices named in this Article of
34 the Constitution in which a vacancy has occurred, and in which it is herein provided that
35 the Governor shall fill the vacancy, expires on the first day of January succeeding the
36 next election for members of the General Assembly or for a full term of Secretary of
37 State, whichever comes first, the Governor shall appoint to fill that vacancy for the
38 unexpired term of the office. Any appointment made by the Governor under this
39 section shall be for a term to expire 30 calendar days after the next day both the Senate
40 and House of Representatives are in session, except if an earlier expiration is provided
41 above. For such person to continue in office after that date by appointment of the
42 Governor, the appointment must be confirmed by both the Senate and the House of
43 Representatives. If both of those houses shall not have confirmed the appointment by
44 that date, the term of the appointee shall expire, the person does not hold over, and the

1 person may not be appointed to fill that vacancy during the remainder of that term of
2 office. If any person elected or appointed to any of these offices shall fail to qualify, the
3 office shall be appointed to, held and filled as provided in case of vacancies occurring
4 therein. ~~All~~ Except as provided by this section, all incumbents of these offices shall
5 hold until their successors are qualified."

6 Sec. 11. The amendments set forth in Sections 1 through 10.2 of this act shall
7 be submitted to the qualified voters of the State at the statewide general election to be
8 held in November of 1990, which shall be conducted under the laws then governing
9 elections in the State.

10 Sec. 12. At that election, each qualified voter desiring to vote shall be
11 provided a ballot on which shall be printed the following:

12 FOR constitutional amendments:

- 13 (1) Granting veto power to the Governor, provided such veto may
14 be overridden by vote of two-thirds of the members of each
15 house present and voting of the General Assembly;
- 16 (2) Providing that the term of office of members of the General
17 Assembly shall be four years, beginning with the election of
18 1990; and
- 19 (3) Providing for confirmation of gubernatorial appointments by
20 the General Assembly.

21 AGAINST constitutional amendments:

- 22 (1) Granting veto power to the Governor, provided such veto may
23 be overridden by vote of two-thirds of the members of each
24 house present and voting of the General Assembly;
- 25 (2) Providing that the term of office of members of the General
26 Assembly shall be four years, beginning with the election of
27 1990;
- 28 (3) Providing for confirmation of gubernatorial appointments by
29 the General Assembly."

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

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

37 Sec. 13. If a majority of votes cast thereon are in favor of the constitutional
38 amendments set out in Sections 1 through 10.2 of this act, then the State Board of
39 Elections shall certify those amendments to the Secretary of State who shall enroll that
40 amendment so certified among the permanent records of his office. The constitutional
41 amendments shall become effective as follows:

- 42 (1) Those proposed by Sections 1 and 2 of this act shall become effective
43 beginning with bills, resolutions, and orders passed in either house of
44 the General Assembly on or after January 1, 1993;

1 (2) Those proposed by Sections 3 through 9 of this act shall become
2 effective upon certification and shall apply to members of the General
3 Assembly elected in the 1990 general election so they shall serve four-
4 year terms; and

5 (3) Those proposed by Sections 10 through 10.3 of this act shall become
6 effective with respect to vacancies occurring on or after January 1,
7 1993.

8 Sec. 14. G.S. 120-33 reads as rewritten:

9 **"§ 120-33. Duties of enrolling clerk.**

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

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

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

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

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

21 (2) To the Secretary of State of:

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

24 b. Joint resolutions.

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

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

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

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

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

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

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

44 Sec. 15. G.S. 120-20 reads as rewritten:

1 **"§ 120-20. When acts take effect.**

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

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

6 **"§ 120-30.9B. Statewide statutes; State Board of Elections.**

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

13 Sec. 17. G.S. 120-30.9C reads as rewritten:

14 **"§ 120-30.9C. The Judicial System; Administrative Office of the Courts.**

15 The Administrative Officer of the Courts shall submit to the Attorney General of the
16 United States within 30 days of ~~ratification~~the time they become laws all acts of the
17 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
18 7A of the General Statutes of North Carolina which constitutes a 'change affecting
19 voting' under Section 5 of the Voting Rights Act of 1965."

20 Sec. 18. G.S. 120-30.9E reads as rewritten:

21 **"§ 120-30.9E. Counties; County Attorney.**

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

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

26 and

27 (2) Of adoption actions of the county board of commissioners, or the
28 county board of elections or any other county agency

29 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
30 of 1965 in that county."

31 Sec. 19. G.S. 120-30.9F reads as rewritten:

32 **"§ 120-30.9F. Municipalities; municipal attorney.**

33 The municipal attorney of any municipality covered by the Voting Rights Act of
34 1965 shall submit to the Attorney General of the United States within 30 days of ~~of~~
35 ~~ratification~~ any local acts of the General Assembly;

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

37 and

38 (2) Of adoption actions of the municipal governing body or municipal
39 board of elections or any other municipal agency

40 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
41 of 1965 in that municipality."

42 Sec. 20. G.S. 120-30.9G reads as rewritten:

43 **"§ 120-30.9G. School Administrative Units; Boards of Education Attorney.**

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

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

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

12 Sec. 21. G.S. 147-36 reads as rewritten:

13 **"§ 147-36. Duties of Secretary of State.**

14 It is the duty of the Secretary of State:

- 15 (1) ~~To attend at every session of the legislature for the purpose of receiving bills~~
16 ~~which shall have become laws, and to perform such other duties as may~~
17 ~~then be devolved upon him by resolution of the two Houses, houses of~~
18 ~~the General Assembly or either of them;~~
19 (2) To attend the Governor, whenever required by him, for the purpose of
20 receiving documents which have passed the great seal;
21 (3) To receive and keep all conveyances and mortgages belonging to the
22 State;
23 (4) To distribute annually the statutes and the legislative journals;
24 (5) To distribute the acts of Congress received at his office in the manner
25 prescribed for the statutes of the State;
26 (6) To keep a receipt book, in which he shall take from every person to
27 whom a grant shall be delivered, a receipt for the same; but he may
28 enclose grants by mail in a registered letter at the expense of the
29 grantee, unless otherwise directed, first entering the same upon the
30 receipt book;
31 (7) To issue charters and all necessary certificates for the incorporation,
32 domestication, suspension, reinstatement, cancellation and dissolution
33 of corporations as may be required by the corporation laws of the State
34 and maintain a record thereof;
35 (8) To issue certificates of registration of trademarks, labels and designs as
36 may be required by law and maintain a record thereof;
37 (9) To maintain a Division of Publications to compile data on the State's
38 several governmental agencies and for legislative reference;
39 (10) To receive, enroll and safely preserve the Constitution of the State and
40 all amendments thereto;
41 (11) To serve as a member of such boards and commissions as the
42 Constitution and laws of the State may designate;
43 (12) To administer the Securities Law of the State, regulating the issuance
44 and sale of securities, as is now or may be directed;

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

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

8 Sec. 22. Chapter 120 of the General Statutes is amended by adding a new
 9 section to read:

10 **"§ 120-29.2. Approval of acts.**

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

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

22 This day of , , Enrolling Clerk.'

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

30 Sec. 23. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as
 31 rewritten:

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

36 Sec. 24. G.S. 97-31.1 reads as rewritten:

37 **"§ 97-31.1. Effective date of legislative changes in benefits.**

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

41 Sec. 25. G.S. 120-34(a) reads as rewritten:

42 "(a) The Legislative Services Commission shall publish all laws and joint
 43 resolutions, except those bills that did not become effective because they were not
 44 approved by the Governor and the bill did not become law notwithstanding the

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

15 Sec. 26. G.S. 120-133 reads as rewritten:

16 "**§ 120-133. Redistricting communications.**

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

26 Sec. 27. G.S. 120-149.3 reads as rewritten:

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

34 Sec. 28. G.S. 130A-51(a) reads as rewritten:

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

43 Sec. 29. G.S. 7A-140 reads as rewritten:

44 "**§ 7A-140. Number; election; term; qualification; oath.**

1 There shall be at least one district judge for each district. Each district judge shall be
2 elected by the qualified voters of the district court district in which he is to serve at the
3 time of the election for members of the General Assembly, specified by Chapter 163 of the
4 General Statutes. The number of judges for each district shall be determined by the
5 General Assembly. Each judge shall be a resident of the district for which elected, and
6 shall serve a term of four years, beginning on the first Monday in December following
7 his election.

8 Each district judge shall devote his full time to the duties of his office. He shall not
9 practice law during his term, nor shall he during such term be the partner or associate of
10 any person engaged in the practice of law.

11 Before entering upon his duties, each district judge, in addition to other oaths
12 prescribed by law, shall take the oath of office prescribed for a judge of the General
13 Court of Justice.”

14 Sec. 30. G.S. 147-4 reads as rewritten:

15 **"§ 147-4. Executive officers – election; term; induction into office.**

16 The executive department shall consist of a Governor, a Lieutenant Governor, a
17 Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an
18 Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a
19 Commissioner of Labor, who shall be elected for a term of four years, by the qualified
20 electors of the State, ~~at the same time and places, and in the same manner, as members of the~~
21 General Assembly are elected as provided by Chapter 163 of the General Statutes. Their
22 term of office shall commence on the first day of January next after their election and
23 continue until their successors are elected and qualified. The persons having the highest
24 number of votes, respectively, shall be declared duly elected, but if two or more be
25 equal and highest in votes for the same office, then one of them shall be chosen by joint
26 ballot of both houses of the General Assembly. Contested elections shall be determined
27 by a joint ballot of both houses of the General Assembly in such manner as shall be
28 prescribed by law."

29 Sec. 31. G.S. 152-1 reads as rewritten:

30 **"§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

31 In each county a coroner shall be elected by the qualified voters thereof ~~in the same~~
32 ~~manner and at the same time as the election of members of the General Assembly~~ as provided
33 by Chapter 163 of the General Statutes, and shall hold office for a term of four years, or
34 until his successor is elected and qualified.

35 A vacancy in the office of coroner shall be filled by the county commissioners, and
36 the person so appointed shall, upon qualification, hold office until his successor is
37 elected and qualified. If the coroner were elected as the nominee of a political party,
38 then the county commissioners shall consult with the county executive committee of
39 that political party before filling the vacancy, and shall appoint the person
40 recommended by that committee if the party makes a recommendation within 30 days
41 of the occurrence of the vacancy; this sentence shall apply only to the counties of
42 Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus,
43 Caldwell, Cherokee, Clay, Cleveland, Davidson, Davie, Graham, Guilford, Haywood,

1 Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover, Polk,
2 Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey.

3 When the coroner shall be out of the county, or shall for any reason be unable to
4 hold the necessary inquest as provided by law, or there is a vacancy existing in the
5 office of coroner which has not been filled by the county commissioners and it is made
6 to appear to the clerk of the superior court by satisfactory evidence that a deceased
7 person whose body has been found within the county probably came to his death by the
8 criminal act or default of some person, it is the duty of the clerk to appoint some
9 suitable person to act as coroner in such special case."

10 Sec. 32. G.S. 161-1 reads as rewritten:

11 **"§ 161-1. Election and term of office.**

12 In each county there shall be elected biennially by the qualified voters thereof, as
13 provided ~~for the election of members of the General Assembly~~ by Chapter 163 of the
14 General Statutes, a register of deeds."

15 Sec. 33. G.S. 162-1 reads as rewritten:

16 **"§ 162-1. Election and term of office.**

17 In each county a sheriff shall be elected by the qualified voters thereof, as is
18 prescribed ~~for members of the General Assembly~~ by Chapter 163 of the General Statutes,
19 and shall hold his office for four years."

20 Sec. 34. G.S. 163-1 is amended in the table by rewriting the "DATE OF
21 ELECTION" entries for State Senator and members of the State House of
22 Representatives to read: "Tuesday next after the first Monday in November 1990 and
23 every four years thereafter".

24 Sec. 35. G.S. 163-1 is further amended in the table by rewriting the "TERM
25 OF OFFICE" entries for State Senator and member of the State House of
26 Representatives to read: "Four years".

27 Sec. 36. G.S. 163-1 is further amended in the table by rewriting the "DATE
28 OF ELECTION" entries for justices and judges of the Appellate Division, judges of the
29 superior courts, judges of the district courts, district attorney, county commissioners,
30 clerk of superior court, register of deeds, sheriff, and coroner, to read: "At the next
31 regular statewide election for full term of Secretary of State or for members of the
32 General Assembly, whichever comes first, immediately preceding the termination of
33 each regular term."

34 Sec. 37. G.S. 163-8 reads as rewritten:

35 **"§ 163-8. Filling vacancies in State executive offices.**

36 If the office of Governor or Lieutenant Governor shall become vacant, the
37 provisions of G.S. 147-11.1 shall apply. If the office of any of the following officers
38 shall be vacated by death, resignation, or otherwise than by expiration of term, it shall
39 be the duty of the Governor to appoint another to serve until his successor is elected and
40 qualified: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction,
41 Attorney General, Commissioner of Agriculture, Commissioner of Labor, and
42 Commissioner of Insurance. Each such vacancy shall be filled by election at the first
43 election for members of the General Assembly or for a full term of Secretary of State,
44 whichever occurs first, that occurs more than 60 days after the vacancy has taken place,

1 and the person chosen shall hold the office for the remainder of the unexpired four-year
2 term: Provided, that when a vacancy occurs in any of the offices named in this section
3 and the term expires on the first day of January succeeding the next election for
4 members of the General Assembly or for a full term of Secretary of State, whichever
5 comes first, the Governor shall appoint to fill the vacancy for the unexpired term of the
6 office.

7 Upon the occurrence of a vacancy in the office of any one of these officers for any
8 of the causes stated in the preceding paragraph, the Governor may appoint an acting
9 officer to perform the duties of that office until a person is appointed or elected pursuant
10 to this section and Article III, Section 7 of the State Constitution, to fill the vacancy and
11 is qualified."

12 Sec. 38. G.S. 163-9 reads as rewritten:

13 **"§ 163-9. Filling vacancies in State and district judicial offices.**

14 Vacancies occurring in the offices of Justice of the Supreme Court, judge of the
15 Court of Appeals, and judge of the superior court for causes other than expiration of
16 term shall be filled by appointment of the Governor. An appointee shall hold his place
17 until the next election for members of the General Assembly or for a full term of
18 Secretary of State, whichever comes first, that is held more than 60 days after the
19 vacancy occurs, at which time an election shall be held to fill the unexpired term of the
20 office: Provided, that when the unexpired term of the office in which the vacancy has
21 occurred expires on the first day of January succeeding the next election for members of
22 the General Assembly, or for a full term of Secretary of State, whichever comes first,
23 the Governor shall appoint to fill that vacancy for the unexpired term of the office.

24 Vacancies in the office of district judge which occur before the expiration of a term
25 shall not be filled by election. Vacancies in the office of district judge shall be filled in
26 accordance with G.S. 7A-142."

27 Sec. 39. G.S. 163-10 reads as rewritten:

28 **"§ 163-10. Filling vacancy in office of district attorney.**

29 Any vacancy occurring in the office of district attorney for causes other than
30 expiration of term shall be filled by appointment of the Governor. An appointee shall
31 hold his place until the next election for members of the General Assembly, or for a full
32 term of Secretary of State, whichever comes first, that is held more than 60 days after
33 the vacancy occurs, at which time an election shall be held to fill the unexpired term of
34 the office: Provided, that when the unexpired term of the office in which the vacancy
35 has occurred expires on the first day of January succeeding the next election for
36 members of the General Assembly or for a full term of Secretary of State, whichever
37 comes first, the Governor shall appoint to fill that vacancy for the unexpired term of the
38 office."

39 Sec. 40. G.S. 163-11(a) reads as rewritten:

40 "(a) If a vacancy shall occur in the General Assembly by death, resignation, or
41 otherwise than by expiration of term, the Governor shall immediately appoint ~~for the~~
42 ~~unexpired part of the term~~ the person recommended by the political party executive
43 committee provided by this section. The person so appointed shall hold office for the

1 remainder of the unexpired term, except if the next election for a full term of Secretary
2 of State which occurs more than 60 days after the effective date of the vacancy is:

3 (1) Before the date of the expiration date of the term; and

4 (2) Before the next regular statewide election for members of the General
5 Assembly.

6 the appointment shall be until the next election for a full term of Secretary of State, and
7 at that election, a person shall be elected to fill the remainder of the unexpired term. The
8 Governor shall make the appointment within seven days of receiving the
9 recommendation of the appropriate committee. If the Governor fails to make the
10 appointment within the required period, he shall be presumed to have made the
11 appointment and the legislative body to which the appointee was recommended is
12 directed to seat the appointee as a member in good standing for the duration of the
13 unexpired term."

14 Sec. 41. G.S. 163-12 reads as rewritten:

15 "**§ 163-12. Filling vacancy in United States Senate.**

16 Whenever there shall be a vacancy in the office of United States Senator from this
17 State, whether caused by death, resignation, or otherwise than by expiration of term, the
18 Governor shall appoint to fill the vacancy until an election shall be held to fill the office.
19 The Governor shall issue his writ for the election of a Senator to be held at the time of
20 the first election for members of the General Assembly or for a full term of Secretary of
21 State, whichever comes first, that is held more than 60 days after the vacancy occurs.
22 The person elected shall hold the office for the remainder of the unexpired term. The
23 election shall take effect from the date of the canvassing of the returns."

24 Sec. 42. Each statute and each local act which states that a vacancy in an
25 elected office shall be filled until the next election for members of the General
26 Assembly, or similarly relies on the date of General Assembly elections as determining
27 when an event is to take place or the duration of an appointment, shall be considered
28 instead to use the date of the next statewide election for a full term as Secretary of State
29 or General Assembly, whichever comes first, as the determining date for whatever
30 purpose the date of the General Assembly election is now used.

31 Sec. 43. Chapter 147 of the General Statutes is amended by adding a new
32 section to read:

33 "**§ 147-12.1. Appointments subject to confirmation; exceptions.**

34 (a) Whenever it is provided by the Constitution or by law that the Governor is to
35 appoint a person to any of the following offices, or to a vacancy in any of the following
36 offices, the appointment shall be made subject to confirmation by the Senate and House
37 of Representatives as provided by subsection (b) of this section:

38 (1) Any officer of the Council of State;

39 (2) The Chief Justice of the Supreme Court, Associate Justice of the
40 Supreme Court, Judge of the Court of Appeals, or Judge of the
41 Superior Court;

42 (3) The head of each principal State Department as listed in G.S. 143B-
43 6(1) through (9);

- 1 (4) Members of boards of trustees of constituent institutions of The
2 University of North Carolina appointed under G.S. 116-31(d)(4);
3 (5) Members of the State Board of Community Colleges appointed under
4 G.S. 115D-2.1(b)(3);
5 (6) Members of community college boards of trustees appointed under
6 G.S. 115D-12(a) Group Three; and
7 (7) Members of any board, commission, agency or other unit listed in G.S.
8 120-123.

9 (b) Any appointment made by the Governor to an office listed in subsection (a)
10 of this section, or to a vacancy in such office, shall be for a term to expire 30 calendar
11 days after the next day both the Senate and House of Representatives are in session,
12 except if an earlier expiration is provided by law. For such person to continue in office
13 after that date by appointment of the Governor, the appointment must be confirmed by
14 both the Senate and the House of Representatives. If both of those houses shall not
15 have confirmed the appointment by that date, the term of the appointee shall expire, the
16 person does not hold over, and the person may not be appointed to fill that vacancy:

- 17 (1) During the remainder of the term of office of the Governor making the
18 appointment if the office has no fixed term; or
19 (2) During the remainder of that term of office if the office has a fixed
20 term."

21 Sec. 44. Sections 14 through 32 of this act shall become effective only if the
22 constitutional amendments proposed by this act are approved as provided by Sections
23 11 through 13 of this act, and if so approved, they shall become effective as follows:

- 24 (1) Sections 14 through 28 shall become effective with respect to bills and
25 resolutions passed in either house of the General Assembly on or after
26 January 1, 1993;
27 (2) Sections 29 through 42 shall become effective upon certification of the
28 constitutional amendments; and
29 (3) Section 43 shall become effective with respect to appointments made
30 on or after January 1, 1993.

31 Sec. 45. This act is effective upon ratification.