

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 90

Short Title: Veto.

(Public)

Sponsors: Representative Dawkins.

Referred to: Judiciary.

January 26, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR A VETO BY THE GOVERNOR.

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) All bills 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 they shall have been read three times in each house, and signed by the presiding officers of both houses.

(2) All bills 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 they become laws, and shall be signed by the presiding officers of both houses.

(3) All bills making appointments to offices under:
a. Article IX, Section 8; or
b. Article IV, Section 9(1)
of this Constitution, and containing no other matters, shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

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

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

15 a. Sine die; or

16 b. For more than 30 days

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

22 (6) For purposes of return of bills not approved by the Governor, the General
23 Assembly shall be considered to be continuously in session until it adjourns **sine die** or
24 until it adjourns for more than 30 days; and the Principal Clerk of the House of
25 Representatives (or another officer designated by the House of Representatives) and the
26 Principal Clerk of the Senate (or another officer designated by the Senate) shall be
27 deemed proper recipients of such returned bills during recess or adjournment of the
28 General Assembly other than **sine die** or for more than 30 days.

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

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

35 (9) This section applies to any appointments made by the General Assembly to
36 public office as allowed under Article III, Section 5(8) of this Constitution, which shall
37 be made by passage of a bill.

38 (10) This section does not apply to any appointments made by the General
39 Assembly to public office as allowed under:

40 a. Article IX, Section 8; or

41 b. Article IV, Section 9(1)

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

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

- 1 a. Article III, Section 5(8);
2 b. Article IX, Section 8;
3 c. Article IV, Section 9(1); or
4 d. Article IX, Section 4(1)

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

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

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

- 12 a. **Sine die**; or
13 b. For more than 30 days

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

- 18 a. **Sine die**; or
19 b. For more than 30 days.

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

23 Sec. 3. The amendments set forth in Sections 1 and 2 of this act shall be
24 submitted to the qualified voters of the State at the statewide general election to be held
25 in November of 1990, which shall be conducted under the laws then governing elections
26 in the State.

27 Sec. 4. At that election, each qualified voter desiring to vote shall be
28 provided a ballot on which shall be printed the following:

- 29 " FOR constitutional amendments granting veto power to the Governor,
30 provided such veto may be overridden by majority vote of all the
31 members of each house of the General Assembly.
32 AGAINST constitutional amendments granting veto power to the
33 Governor, provided such veto may be overridden by majority vote of
34 all the members of each house of the General Assembly."

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

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

42 Sec. 5. If a majority of votes cast thereon are in favor of the constitutional
43 amendments set out in Sections 1 and 2 of this act, then the State Board of Elections
44 shall certify those amendments to the Secretary of State who shall enroll that

1 amendment so certified among the permanent records of his office. These constitutional
2 amendments shall become effective beginning with bills, resolutions, and orders passed
3 in either house of the General Assembly on or after January 1, 1993.

4 Sec. 6. G.S. 120-33 reads as rewritten:

5 **"§ 120-33. Duties of enrolling clerk.**

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

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

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

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

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

17 (2) To the Secretary of State of:

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

20 b. Joint resolutions.

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

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

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

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

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

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

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

40 Sec. 7. G.S. 120-20 reads as rewritten:

41 **"§ 120-20. When acts take effect.**

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

1 Sec. 8. G.S. 120-30.9B reads as rewritten:

2 **"§ 120-30.9B. Statewide statutes; State Board of Elections.**

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

9 Sec. 8.1. G.S. 120-30.9C reads as rewritten:

10 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

11 The Administrative Officer of the Courts shall submit to the Attorney General of the
12 United States within 30 days of ~~ratification~~the time they become laws all acts of the
13 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
14 7A of the General Statutes of North Carolina which constitutes a 'change affecting
15 voting' under Section 5 of the Voting Rights Act of 1965."

16 Sec. 8.2. G.S. 120-30.9E reads as rewritten:

17 **"§ 120-30.9E. Counties; County Attorney.**

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

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

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

25 Sec. 8.3. G.S. 120-30.9F reads as rewritten:

26 **"§ 120-30.9F. Municipalities; municipal attorney.**

27 The municipal attorney of any municipality covered by the Voting Rights Act of
28 1965 shall submit to the Attorney General of the United States within 30 days of
29 ~~ratification~~ any local acts of the General Assembly;

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

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

34 Sec. 9. G.S. 120-30.9G reads as rewritten:

35 **"§ 120-30.9G. School Administrative Units; Boards of Education Attorney.**

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

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

40 (2) Of adoption actions of the local boards of education which constitutes a
41 'change affecting voting' under Section 5 of the Voting Rights Act of 1965 in that
42 school administrative unit. If the change affecting voting is a merger of two or more
43 school administrative units, the change shall be submitted jointly by the attorneys of the

1 school administrative units involved, or by one of them by agreement of the attorneys
2 involved."

3 Sec. 10. G.S. 147-36 reads as rewritten:

4 **"§ 147-36. Duties of Secretary of State.**

5 It is the duty of the Secretary of State:

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

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

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

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

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

15 (6) To keep a receipt book, in which he shall take from every person to whom a
16 grant shall be delivered, a receipt for the same; but he may inclose grants by mail in a
17 registered letter at the expense of the grantee, unless otherwise directed, first entering
18 the same upon the receipt book;

19 (7) To issue charters and all necessary certificates for the incorporation,
20 domestication, suspension, reinstatement, cancellation and dissolution of corporations
21 as may be required by the corporation laws of the State and maintain a record thereof;

22 (8) To issue certificates of registration of trademarks, labels and designs as may
23 be required by law and maintain a record thereof;

24 (9) To maintain a Division of Publications to compile data on the State's several
25 governmental agencies and for legislative reference;

26 (10) To receive, enroll and safely preserve the Constitution of the State and all
27 amendments thereto;

28 (11) To serve as a member of such boards and commissions as the Constitution
29 and laws of the State may designate;

30 (12) To administer the Securities Law of the State, regulating the issuance and sale
31 of securities, as is now or may be directed;

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

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

38 Sec. 11. Chapter 120 of the General Statutes is amended by adding a new
39 section to read:

40 **"§ 120-29.2. Approval of acts.**

41 (a) If the Governor approves a bill presented to him, he shall write upon the
42 same, to the left of and below the signatures of the presiding officers of the two houses,
43 the fact, date, and time of his approval, as follows: 'Approved _____m. this _____day

1 of _____, _____' and shall sign the same as follows: _____ Governor'. The Governor
2 shall then deposit the approved bill with the Secretary of State.

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

9 This _____ day of _____, _____ Enrolling Clerk.

10 (c) If the Governor returns any bill to the house of origin with his objections, he
11 shall write such objections on the measure or cause the objections to be attached to the
12 measure. When any such bill becomes law after reconsideration of the two houses, the
13 presiding officers shall, below the objections of the Governor, sign (including the date)
14 the following certificate: 'Became law notwithstanding the objections of the Governor,
15 _____m. this _____ day of _____, _____.' The second of them to sign shall fill in the time. The
16 enrolling clerk shall deposit the measure with the Secretary of State.'

17 Sec. 12. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as
18 rewritten:

19 "(h) Private statutes. In pleading a private statute or right derived therefrom it is
20 sufficient to refer to the statute by its title or the day of its ratification if ratified before
21 January 1, 1993, or the date it becomes law if it becomes law on or after January 1,
22 1993, and the court shall thereupon take judicial notice of it."

23 Sec. 13. G.S. 97-31.1 reads as rewritten:

24 **"§ 97-31.1. Effective date of legislative changes in benefits.**

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

28 Sec. 14. G.S. 120-34(a) reads as rewritten:

29 "(a) The Legislative Services Commission shall publish all laws and joint
30 resolutions, except those that did not become effective because they were not approved
31 by the Governor and the bill did not become law notwithstanding the objections of the
32 Governor passed at each session of the General Assembly. The laws and joint
33 resolutions shall be kept separate and indexed separately. Each volume shall contain a
34 certificate from the Secretary of State stating that the volume was printed under the
35 direction of the Legislative Services Commission from ratified acts and resolutions on
36 file in the Office of the Secretary of State. The Commission may publish the Session
37 Laws and House and Senate Journals of extra and special sessions of the General
38 Assembly in the same volume or volumes as those of regular sessions of the General
39 Assembly. In printing, the signatures of the presiding officers shall be omitted. In the
40 case of any laws which were assigned Chapter numbers by the enrolling clerk, but
41 which did not become law because of objections of the Governor, the Legislative
42 Services Office shall omit the Chapter and carry a note as to the reason for its omission.
43 In the case of any bill required to be presented to the Governor, and which became law,

1 the Session Laws shall carry, below the date of ratification, editorial notes as to what
2 time and what date the bill became law."

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

4 **"§ 120-133. Redistricting communications.**

5 Notwithstanding any other provision of law, all drafting and information requests to
6 legislative employees and documents prepared by legislative employees for legislators
7 concerning redistricting the North Carolina General Assembly or the Congressional
8 Districts are no longer confidential and become public records upon the ~~ratification of the~~
9 act establishing the relevant district plan becoming law. Present and former legislative
10 employees may be required to disclose information otherwise protected by G.S. 120-
11 132 concerning redistricting the North Carolina General Assembly or the Congressional
12 Districts upon the ~~ratification of the~~ act establishing the relevant district plan becoming
13 law."

14 Sec. 16. G.S. 120-149.3 reads as rewritten:

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

22 Sec. 17. G.S. 130A-51(a) reads as rewritten:

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

31 Sec. 18. Sections 6 through 17 of this act shall become effective only if the
32 constitutional amendments proposed by Sections 1 and 2 of this act are approved as
33 provided by Sections 3 through 5 of this act, and if so approved, Sections 6 through 17
34 shall become effective with respect to bills and resolutions passed in either house of the
35 General Assembly on or after January 1, 1993.

36 Sec. 19. This act is effective upon ratification.