

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 3
House Committee Substitute Favorable 2/8/95

Short Title: Veto.

(Public)

Sponsors:

Referred to:

January 26, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION
3 TO PROVIDE FOR A GUBERNATORIAL VETO.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 22 of Article II of the Constitution of North Carolina reads
6 as rewritten:

7 "Sec. 22. Action on bills.

8 ~~All bills and resolutions of a legislative nature shall be read three times in each house~~
9 ~~before they become laws, and shall be signed by the presiding officers of both houses.~~

10 (1) Bills subject to veto by Governor; override of veto. Except as provided by
11 subsections (2) through (6) of this section, all bills shall be read three times in each house
12 and, having passed, shall be signed by the presiding officer of each house before being
13 presented to the Governor. If the Governor approves, the Governor shall sign it and it
14 shall become a law; but if not, the Governor shall return it with objections, together with
15 a veto message stating the reasons for such objections, to that house in which it shall have
16 originated, which shall enter the objections and veto message at large on its journal, and
17 proceed to reconsider it. If after such reconsideration three-fifths of the members of that
18 house present and voting shall agree to pass the bill, it shall be sent, together with the
19 objections and veto message, to the other house, by which it shall likewise be

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

5 (2) **Amendments to Constitution of North Carolina.** Every bill proposing a new
6 or revised Constitution or an amendment or amendments to this Constitution or calling a
7 convention of the people of this State, and containing no other matter, shall be submitted
8 to the qualified voters of this State after it shall have been read three times in each house
9 and signed by the presiding officers of both houses.

10 (3) **Amendments to Constitution of the United States.** Every bill approving an
11 amendment to the Constitution of the United States, or applying for a convention to
12 propose amendments to the Constitution of the United States, and containing no other
13 matter, shall be read three times in each house before it is ratified, and shall be signed by
14 the presiding officers of both houses.

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

18 (5) **Other exceptions.** Every bill:

19 (a) In which the General Assembly makes an appointment or appointments
20 to public office and which contains no other matter;

21 (b) Revising the senate districts and the apportionment of Senators among
22 those districts and containing no other matter;

23 (c) Revising the representative districts and the apportionment of
24 Representatives among those districts and containing no other matter; or

25 (d) Revising the districts for the election of members of the House of
26 Representatives of the Congress of the United States and the
27 apportionment of Representatives among those districts and containing
28 no other matter,

29 shall be read three times in each house before it becomes law and shall be signed by the
30 presiding officers of both houses.

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

35 (a) Would extend the application of a law so that the law would apply in
36 more than half the counties in the State, or

37 (b) Would enact a law so similar in effect to another law or laws that the
38 result would be a law applying in more than half the counties in the
39 State.

40 Notwithstanding the previous sentence, a bill is exempt from veto and shall be read
41 three times in each house before it becomes law and shall be signed by the presiding
42 officers of both houses if by its terms it applies to the government of only one named
43 county, city, town, school administrative unit, or other unit of local government and

1 contains no other matter. Notwithstanding any other language in this subsection, the
2 exemption from veto provided by this subsection does not apply to any bill to enact a
3 general law classified by population or other criteria, or to any bill that contains an
4 appropriation from the State treasury.

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

9 (a) For more than 30 days jointly as provided under Section 20 of Article II
10 of this Constitution; or

11 (b) Sine die

12 in which case it shall become a law unless, within 30 days after such adjournment, it is
13 returned by the Governor with objections and veto message to that house in which it shall
14 have originated. When the General Assembly has adjourned sine die or for more than 30
15 days jointly as provided under Section 20 of Article II of this Constitution, the Governor
16 shall reconvene that session as provided by Section 5(11) of Article III of this
17 Constitution for reconsideration of the bill, and if the Governor does not reconvene the
18 session, the bill shall become law on the fortieth day after such adjournment.
19 Notwithstanding the previous sentence, if the Governor prior to reconvening the session
20 receives written requests dated no earlier than 30 days after such adjournment, signed by
21 a majority of the members of each house that a reconvened session to reconsider vetoed
22 legislation is unnecessary, the Governor shall not reconvene the session for that purpose
23 and any legislation vetoed in accordance with this section after adjournment shall not
24 become law.

25 (8) **Return of bills after adjournment.** For purposes of return of bills not
26 approved by the Governor, each house shall designate an officer to receive returned bills
27 during its adjournment."

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

30 "(11) **Reconvened sessions.** The Governor shall, when required by Section 22 of
31 Article II of this Constitution, reconvene a session of the General Assembly. At such
32 reconvened session, the General Assembly may only consider such bills as were returned
33 by the Governor to that reconvened session for reconsideration. Such reconvened session
34 shall begin on a date set by the Governor, but no later than 40 days after the General
35 Assembly adjourned:

36 (a) For more than 30 days jointly as provided under Section 20 of Article II
37 of this Constitution; or

38 (b) Sine die.

39 If the date of reconvening the session occurs after the expiration of the terms of office
40 of the members of the General Assembly, then the members serving for the reconvened
41 session shall be the members for the succeeding term."

42 Sec. 3. The amendments set out in Sections 1 and 2 of this act shall be
43 submitted to the qualified voters of the State at the general election in November of 1996,

1 which election shall be conducted under the laws then governing elections in the State.
2 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
3 General Statutes. The question to be used in the voting systems and ballots shall be:

4 **"[] FOR [] AGAINST**

5 **Constitutional amendments granting veto power to the Governor".**

6 Sec. 4. If a majority of votes cast on the question are in favor of the
7 amendments set out in Sections 1 and 2 of this act, the State Board of Elections shall
8 certify the amendments to the Secretary of State. The amendments become effective
9 January 1, 1997. The Secretary of State shall enroll the amendments so certified among
10 the permanent records of that office.

11 Sec. 5. This act is effective upon ratification.