

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 589*

Short Title: Gubernatorial Veto.

(Public)

Sponsors: Representatives Rhyne; Robinson and Wood.

Referred to: Judiciary.

March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO SECURE TO THE GOVERNOR
THE POWER OF VETO.

The General Assembly of North Carolina enacts:

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) 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 matters, 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 matters, shall be read three times in each house before
they become laws, and shall be signed by the presiding officers of both houses.

(3) Any other bill shall be read three times in each house and shall be signed by
the presiding officer of each house before being presented to the Governor. If the
Governor approves, he shall sign it and it shall become a law; but if not, he shall return
it with his objections to that house in which it shall have originated, which shall enter
the objections at large on its journal, and proceed to reconsider it. If after such
reconsideration two-thirds of all the members of that house shall agree to pass the bill,

1 it shall be sent, together with the objections, to the other house, by which it shall
2 likewise be reconsidered; and if approved by two-thirds of all the members of that
3 house, it shall become a law notwithstanding the objections of the Governor. In all such
4 cases the votes of both houses shall be determined by yeas and nays, and the names of
5 the members voting shall be entered on the journal of each house respectively.

6 (4) If any bill shall not be returned by the Governor within 10 days (Sundays
7 excepted) after it shall have been presented to him the same shall be a law in like
8 manner as if he had signed it, unless the General Assembly shall, by its adjournment,
9 prevent its return, in which case it shall not become a law without the approval of the
10 Governor.

11 (5) No bill shall become a law after adjournment of the General Assembly **sine**
12 **die** unless approved by the Governor within 30 days after such adjournment.

13 (6) If any bill presented to the Governor contains items of appropriation of
14 money, he may object to one or more of such items while approving of the other portion
15 of the bill. In such a case he shall append to the bill, at the time of signing it, a
16 statement of the items to which he objects; and the appropriations so objected to shall
17 not take effect. If the General Assembly shall be in session, he shall transmit to the
18 house in which the bill originated a copy of such statement, and the items objected to
19 shall be separately reconsidered. If after such reconsideration any such items be
20 approved by two-thirds of all the members of that house, the item or items approved,
21 together with the Governor's statement of objection thereto shall be transmitted to the
22 other house and the item separately reconsidered; and if any item be approved by two-
23 thirds of all the members of that house, the same shall be part of the law,
24 notwithstanding the objections of the Governor.

25 (7) All the provisions of this section in relation to bills not approved by the
26 Governor shall apply in cases in which he shall withhold his approval for any item or
27 items contained in a bill appropriating money.

28 (8) For purposes of return of bills not approved by the Governor, the General
29 Assembly shall be considered to be continuously in session until it adjourns **sine die**;
30 and the Principal Clerk of the House of Representatives (or another officer designated
31 by the House of Representatives) and the Principal Clerk of the Senate (or another
32 officer designated by the Senate) shall be deemed proper recipients of such returned
33 bills during recess or adjournment of the General Assembly other than **sine die**.

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

36 (10) Every order to which the concurrence of both houses of the General
37 Assembly may be necessary shall be presented to the Governor and, before the same
38 shall take effect, be approved by him or, being disapproved by him, shall be repassed by
39 two-thirds of all the members of each house of the General Assembly, according to the
40 rules and limitations prescribed in this section in case of a bill. 'Order' as used in this
41 section is an appointment by the General Assembly to public office (except in the
42 legislative branch) made other than by bill."

1 Sec. 2. The amendment set forth in Section 1 of this act shall be submitted to
2 the qualified voters of the State at a statewide election to be held on November 7, 1989,
3 which shall be conducted under the laws then governing elections in the State.

4 Sec. 3. At that election, each qualified voter desiring to vote shall be
5 provided a ballot on which shall be printed the following:

6 "[] FOR constitutional amendment granting veto power to the Governor,
7 provided such veto may be overridden by two-thirds vote of each
8 house of the General Assembly.

9 [] AGAINST constitutional amendment granting veto power to the
10 Governor, provided such veto may be overridden by two-thirds vote of
11 each house of the General Assembly."

12 Those qualified voters favoring the amendment shall vote by marking an "X" or a check
13 mark in the square beside the statement beginning "FOR", and those qualified voters
14 opposed to the amendment shall vote by marking an "X" or a check mark in the square
15 beside the statement beginning "AGAINST".

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

19 Sec. 4. If a majority of votes cast thereon are in favor of the constitutional
20 amendment set out in Section 1 of this act, then the State Board of Elections shall
21 certify the amendment set out in Section 1 of this act to the Secretary of State who shall
22 enroll that amendment so certified among the permanent records of his office. This
23 constitutional amendment shall become effective beginning with bills and orders passed
24 in either house of the General Assembly on or after January 1, 1991.

25 Sec. 5. G.S. 120-33 reads as rewritten:

26 "§ 120-33. Duties of enrolling clerk. **(a) All bills passed by the General Assembly**
27 **shall be enrolled for ratification under the supervision of the enrolling**
28 **clerk.**

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

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

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

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

38 (2) To the Secretary of State of:

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

41 b. Joint resolutions.

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

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

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

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

7 (d2) Any order required by Article II, Section 22 of the Constitution to be
8 presented to the Governor shall be presented to him by the enrolling clerk.

9 (d3) No bill or order required to be presented to the Governor under Article II,
10 Section 22 of the Constitution shall be presented to him until the time for moving a
11 reconsideration shall have expired, unless expressly ordered by that house where such
12 bill or order originated.

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

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

20 Sec. 6. G.S. 120-20 reads as rewritten:

21 "§ 120-20. When acts take effect. **Acts of the General Assembly shall be in force only**
22 **from and after 30-60 days after the adjournment of the session in which**
23 **they shall have passed, unless the commencement of the operation**
24 **thereof be expressly otherwise directed."**

25 Sec. 7. G.S. 120-30.9B reads as rewritten:

26 "**§ 120-30.9B. Statewide statutes; State Board of Elections.**

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

33 Sec. 8. G.S. 120-30.9C reads as rewritten:

34 "**§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

35 The Administrative Officer of the Courts shall submit to the Attorney General of the
36 United States within 30 days of ~~ratification~~ the time they become laws all acts of the
37 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
38 7A of the General Statutes of North Carolina which constitutes a 'change affecting
39 voting' under Section 5 of the Voting Rights Act of 1965."

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

41 "**§ 120-30.9E. Counties; County Attorney.**

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

1 (1) Of the time they become laws any local acts of the General Assembly; and
2 (2) Of adoption actions of the county board of commissioners, or the county
3 board of elections or any other county agency
4 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
5 of 1965 in that county."

6 Sec. 10. G.S. 120-30.9F reads as rewritten:

7 **"§ 120-30.9F. Municipalities; municipal attorney.**

8 The municipal attorney of any municipality covered by the Voting Rights Act of
9 1965 shall submit to the Attorney General of the United States within 30 days of
10 ~~ratification any local acts of the General Assembly;~~

11 (1) Of the time they become laws any local acts of the General Assembly; and
12 (2) Of adoption actions of the municipal governing body or municipal board of
13 elections or any other municipal agency
14 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
15 of 1965 in that municipality."

16 Sec. 11. G.S. 120-30.9G reads as rewritten:

17 **"§ 120-30.9G. School Administrative Units; Boards of Education Attorney.**

18 The attorney for any local board of education where that school administrative unit
19 is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the
20 United States within 30 days of ~~ratification 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 local boards of education
23 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
24 of 1965 in that school administrative unit. If the change affecting voting is a merger of
25 two or more school administrative units, the change shall be submitted jointly by the
26 attorneys of the school administrative units involved, or by one of them by agreement
27 of the attorneys involved."

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

29 **"§ 147-36. Duties of Secretary of State.**

30 It is the duty of the Secretary of State:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Sec. 13. Chapter 120 of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 120-29.1. Orders defined.**

23 An order requiring approval of the Governor under Article II, Section 22 of the
24 Constitution, is an appointment by the General Assembly to public office (except in the
25 legislative branch) made other than by bill."

26 Sec. 14. Chapter 120 of the General Statutes is amended by adding a new
27 section to read:

28 **"§ 120-29.2. Approval of acts.**

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

34 (b) If any bill becomes law, or any order becomes effective, because of the
35 failure of the Governor to take any action, it shall be the duty of the Governor to return
36 the measure to the enrolling clerk, who shall sign the following certificate on the
37 measure and deposit it with the Secretary of State: 'This bill (or order) having been
38 presented to the Governor for his signature on the day of , and the Governor
39 having failed to return it within the time prescribed by law, the same is hereby declared
40 to have become a law (or, in the case of a joint resolution or order the same is declared
41 to have taken effect in accordance with its terms).

42 This day of , , , Enrolling Clerk."

43 (c) If the Governor returns any bill or order to the house of origin with his
44 objections, he shall write such objections on the measure or cause the objections to be

1 attached to the measure. When any such bill or order becomes law or effective after
2 reconsideration of the two houses the presiding officers shall, below the objections of
3 the Governor, sign (including the date) the following certificate: 'Became law (or
4 effective in the case of an order) notwithstanding the objections of the Governor, .m.
5 this ___ day of __, __'. The second of them to sign shall fill in the time. The enrolling
6 clerk shall deposit the measure with the Secretary of State.'

7 Sec. 15. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as
8 rewritten:

9 "(h) Private statutes. – In pleading a private statute or right derived therefrom it is
10 sufficient to refer to the statute by its title or the day of its ratification if ratified before
11 January 1, 1991, or the date it becomes law if it becomes law on or after January 1,
12 1991, and the court shall thereupon take judicial notice of it.'

13 Sec. 16. G.S. 97-31.1 reads as rewritten:

14 **"§ 97-31.1. Effective date of legislative changes in benefits.**

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

18 Sec. 17. G.S. 120-34(a) reads as rewritten:

19 "(a) The Legislative Services Commission shall publish all laws and joint
20 resolutions, except those that did not become effective:

21 (1) Because they were not approved by the Governor and the bill did not
22 become law notwithstanding the objections of the Governor; or

23 (2) Because they were not approved by the Governor within 30 days after
24 **sine die** adjournment

25 passed at each session of the General Assembly. The laws and joint resolutions shall be
26 kept separate and indexed separately. Each volume shall contain a certificate from the
27 Secretary of State stating that the volume was printed under the direction of the
28 Legislative Services Commission from ratified acts and resolutions on file in the Office
29 of the Secretary of State. The Commission may publish the Session Laws and House
30 and Senate Journals of extra and special sessions of the General Assembly in the same
31 volume or volumes as those of regular sessions of the General Assembly. In printing,
32 the signatures of the presiding officers shall be omitted. In the case of any laws which
33 were assigned Chapter numbers by the enrolling clerk, but which did not become law
34 because of objections of the Governor or because the Governor failed to approve the
35 law within 30 days after **sine die** adjournment, the Legislative Services Office shall
36 omit the Chapter and carry a note as to the reason for its omission. In the case of any
37 bill, required to be presented to the Governor, and which became law, the Session Laws
38 shall carry, below the date of ratification, editorial notes as to what time and what date
39 the bill became law.'

40 Sec. 18. G.S. 120-133 reads as rewritten:

41 **"§ 120-133. Redistricting communications.**

42 Notwithstanding any other provision of law, all drafting and information requests to
43 legislative employees and documents prepared by legislative employees for legislators
44 concerning redistricting the North Carolina General Assembly or the Congressional

1 Districts are no longer confidential and become public records upon the ~~ratification of the~~
2 act establishing the relevant district plan becoming law. Present and former legislative
3 employees may be required to disclose information otherwise protected by G.S. 120-
4 132 concerning redistricting the North Carolina General Assembly or the Congressional
5 Districts upon the ~~ratification of the~~ act establishing the relevant district plan becoming
6 law."

7 Sec. 19. G.S. 120-149.3 reads as rewritten:

8 "(c) If a legislative proposal receives a favorable report but ~~is not ratified~~ become
9 law during the biennial session in which it is introduced, a new assessment report shall
10 be required before the same or a substantially similar legislative proposal may be
11 considered after first reading or by any committee during a subsequent biennial session
12 of the General Assembly. If a proposal receives a favorable report but is not introduced
13 as a legislative proposal, the favorable report shall expire at the adjournment of the
14 biennial session coinciding with or following issuance of the final report."

15 Sec. 20. G.S. 130A-51(a) reads as rewritten:

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

24 Sec. 21. Sections 5 through 20 of this act shall become effective only if the
25 constitutional amendment proposed by Section 1 of this act is approved as provided by
26 Sections 2 through 4 of this act, and if so approved, Sections 5 through 20 shall become
27 effective with respect to bills and resolutions passed in either house of the General
28 Assembly on or after January 1, 1991.

29 Sec. 22. This act is effective upon ratification.