

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1325

Short Title: Line-Item Veto.

(Public)

Sponsors: Representative Gibson.

Referred to: Judiciary I.

May 15, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO GRANT
2 THE GOVERNOR A LINE-ITEM VETO OF APPROPRIATIONS, TAX, AND
3 BOND ITEMS.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 22 of Article II of the North Carolina Constitution is
7 amended by adding new subsections to read:

8 "(9) Vetoes of items in tax and bond bills. If a bill contains any item or items
9 enacted to raise money on the credit of the State, to pledge the faith of the State directly
10 or indirectly for the payment of any debt, to impose, amend, or repeal any tax upon the
11 people of the State, or to allow the counties, cities, or towns to do so, and the Governor
12 does not return the entire bill with objections, the Governor may disapprove any item or
13 items of such bill embracing distinct items, and the part or the parts of the bill approved
14 shall be the law, and the item or items disapproved shall be void, unless reconsidered
15 and passed according to the rules and limitations prescribed in this section for the
16 passage of bills notwithstanding the objections of the Governor. The return of such
17 objections shall be in accordance with the rules set out by this section for the return of
18 entire bills. The Governor shall in writing state specifically the item or items
19 disapproved, setting the same out in full in the message, together with the reasons for
20 such objection. The enrolled bill shall not be returned with the Governor's objection. If
21 more than one item is objected to in a bill, the General Assembly may reconsider the
22 items separately or together.

23 As used in this subsection, "item" refers to a separable provision raising money on
24 the credit of the State, pledging the faith of the State directly or indirectly for the
25 payment of any debt, imposing, amending, or repealing a tax, or allowing the counties,
26 cities, or towns to do so.

27 (10) Vetoes or amendatory reductions or increases of items in appropriations bills.
28 If a bill contains any item or items of appropriations and the Governor does not return
29 the entire bill with objections, the Governor may disapprove any item or items of any

1 appropriation bill embracing distinct items, and the part or the parts of the bill approved
2 shall be the law, and the item or items disapproved shall be void, unless reconsidered
3 and passed according to the rules and limitations prescribed in this section for the
4 passage of bills notwithstanding the objections of the Governor. The return of such
5 objections shall be in accordance with the rules set out by this section for the return of
6 entire bills. The Governor shall in writing state specifically the item or items
7 disapproved, setting the same out in full in the message, together with the reasons for
8 such objection. The enrolled bill shall not be returned with the Governor's objection. If
9 more than one item is objected to in a bill, the General Assembly may reconsider the
10 items separately or together.

11 If a bill contains any item or items of appropriations and the Governor does not
12 return the entire bill or the item with objections, the Governor may submit an
13 amendment to reduce or increase any item or items of any appropriation bill embracing
14 distinct items, and the part or the parts of the bill approved shall be the law, and the item
15 or items reduced or increased shall be void, unless the amendment is concurred in by a
16 majority vote of all the members of each house according to the rules and limitations
17 prescribed in this section for the passage of bills notwithstanding the objections of the
18 Governor, other than the vote necessary. The return of such amendment shall be in
19 accordance with the rules set out by this section for the return of entire bills. The
20 Governor shall in writing state specifically the item or items reduced or increased,
21 setting the same out in full in the message, together with the reasons for such reduction
22 or increase. The enrolled bill shall not be returned with the Governor's objection. If
23 more than one item is objected to in a bill, the General Assembly may reconsider the
24 items separately or together.

25 As used in this subsection, "item" refers to a separable sum of money appropriated.
26 It does not refer separately to punctuation, letters, words, phrases, or sentences which
27 express purposes or conditions with reference to the appropriation made. The Governor
28 cannot object to the appropriation without also objecting to the condition or limitation.
29 Conversely, the Governor cannot veto the condition or limitation without also
30 disapproving the appropriation."

31 **SECTION 2.** The amendment set out in Section 1 of this act shall be
32 submitted to the qualified voters of the State at the next statewide election, primary or
33 otherwise, which election shall be conducted under the laws then governing elections in
34 the State. Ballots, voting systems, or both may be used in accordance with Chapter 163
35 of the General Statutes. The question to be used in the voting systems and ballots shall
36 be:

37 FOR AGAINST

38 Constitutional amendment granting the Governor the line-item veto over
39 appropriations, tax, or bond items."

40 **SECTION 3.** If a majority of votes cast on the question are in favor of the
41 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
42 amendment to the Secretary of State whereupon the amendment shall become effective.
43 The amendment shall apply to all bills ratified after that date. The Secretary of State
44 shall enroll the amendment so certified among the permanent records of that office.

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SECTION 4. This act is effective when it becomes law.