

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 3

Constitutional Amendments Committee Substitute Adopted 2/22/89

Third Edition Engrossed 3/2/89

House Committee Substitute Favorable 7/31/89

Short Title: Veto.

(Public)

Sponsors:

Referred to:

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO.

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) Every bill 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 it shall have been read three times in each house, and signed by the presiding officers of both houses.

(2) Every bill 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 it becomes law, and shall be signed by the presiding officers of both houses.

(3) Every bill in which the General Assembly makes an appointment to a public office and which contains no other matter, shall be read three times in each house before it becomes law, and shall be signed by the presiding officers of both houses.

1 (4) Every bill that by its terms applies to the government of only one named
2 county, city, town, school administrative unit or other unit of local government, and
3 contains no other matter, shall be read three times in each house before it becomes law
4 and shall be signed by the presiding officers of both houses. This subdivision does not
5 apply to any bill that contains an appropriation.

6 (5) Every bill that applies in fewer than 15 counties shall be read three times in
7 each house before it becomes law and shall be signed by the presiding officers of both
8 houses. This subdivision does not apply if the bill, at the time it is signed by the
9 presiding officers:

- 10 a. Would extend the application of a law so that the law would apply in
11 more than half the counties in the State, or
12 b. Would enact a law so similar in effect to another law or laws that the
13 result would be a law applying in more than half the counties in the
14 State.

15 This subdivision does not apply to any bill to enact a general law classified by
16 population or other criteria or to bills that contain appropriations.

17 (6) Every bill revising the Senate districts and the apportionment of Senators
18 among those districts, and containing no other matter, shall be read three times in each
19 house before it becomes law and shall be signed by the presiding officers of both
20 houses.

21 (7) Every bill revising the representative districts and the apportionment of
22 Representatives among those districts, and containing no other matter, shall be read
23 three times in each house before it becomes law and shall be signed by the presiding
24 officers of both houses.

25 (8) Every bill revising the districts for the election of members of the House of
26 Representatives of the Congress of the United States and the apportionment of
27 Representatives among those districts, and containing no other matter, shall be read
28 three times in each house before it becomes law and shall be signed by the presiding
29 officers of both houses.

30 (9) Any other bill shall be read three times in each house and shall be signed by
31 the presiding officer of each house before being presented to the Governor. If the
32 Governor approves, he shall sign it and it shall become a law; but if not, he shall return
33 it with his objections, together with a veto message stating his reasons for such
34 objections, to that house in which it shall have originated, which shall enter the
35 objections and veto message at large on its journal, and proceed to reconsider it. If after
36 such reconsideration three-fifths of the members present and voting of that house shall
37 agree to pass the bill, it shall be sent, together with the objections and veto message, to
38 the other house, by which it shall likewise be reconsidered; and if approved by three-
39 fifths of the members present and voting of that house, it shall become a law
40 notwithstanding the objections of the Governor. In all such cases the votes of both
41 houses shall be determined by yeas and nays, and the names of the members voting
42 shall be entered on the journal of each house respectively.

1 (10) If any bill shall not be returned by the Governor within 10 days after it shall
2 have been presented to him the same shall be a law in like manner as if he had signed it,
3 unless the General Assembly shall have adjourned:

4 a. Sine die; or

5 b. For more than 30 days,

6 in which case it shall become a law unless, within 30 days after such adjournment, it is
7 returned by the Governor with his objections and veto message. When the General
8 Assembly has adjourned **sine die** or for more than 30 days, the Governor shall
9 reconvene that session as provided by Article III, Section 5(11) of this Constitution for
10 reconsideration of the bill, and if he does not reconvene the session, the bill shall
11 become law on the fortieth day after such adjournment.

12 (11) Adjournment **sine die** or for more than 30 days does not prevent the return of
13 bills not approved by the Governor. For purposes of return of bills not approved by the
14 Governor, the General Assembly shall be considered to be continuously in session until
15 it adjourns **sine die** or until it adjourns for more than 30 days; and the Principal Clerk of
16 the House of Representatives (or another officer designated by the House of
17 Representatives) and the Principal Clerk of the Senate (or another officer designated by
18 the Senate) shall be deemed proper recipients of such returned bills during recess or
19 adjournment of the General Assembly other than **sine die** or for more than 30 days.

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

22 (13) Whenever the Governor reconvenes the session as provided by Article III,
23 Section 5(11) of this Constitution and subdivision (10) of this section, he shall return
24 any bill requiring the call of the session with his objections and veto message to that
25 house in which it shall have originated."

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

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

34 a. Sine die; or

35 b. For more than 30 days.

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

39 Sec. 3. The amendments set forth in Sections 1 and 2 of this act shall be
40 submitted to the qualified voters of the State at the statewide general election to be held
41 in November of 1992, which shall be conducted under the laws then governing elections
42 in the State.

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

1 "[]" FOR constitutional amendments to give the Governor a veto.
2 [] AGAINST constitutional amendments to give the Governor a veto."
3 Those qualified voters favoring the amendments shall vote by marking an "X" or a check
4 mark in the square beside the statement beginning "FOR", and those qualified voters
5 opposed to the amendment shall vote by marking an "X" or a check mark in the square
6 beside the statement beginning "AGAINST".

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

10 Sec. 5. If a majority of votes cast are in favor of the constitutional
11 amendments set out in Sections 1 and 2 of this act, then the State Board of Elections
12 shall certify the amendments set out in Sections 1 and 2 of this act to the Secretary of
13 State who shall enroll the amendments so certified among the permanent records of his
14 office. These constitutional amendments shall become effective January 1, 1993.

15 Sec. 6. This act is effective upon ratification.