

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

3

SENATE BILL 3

Constitutional Amendments Committee Substitute Adopted 2/22/89
Third Edition Engrossed 3/2/89

Short Title: Veto.

(Public)

Sponsors:

Referred to:

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A GUBERNATORIAL 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) All bills making appointments to offices under:

a. Article III, Section 5(8);

b. Article IX, Section 8; or

c. Article IV, Section 9(1)

1 of this Constitution, and containing no other matters, shall be read three times in each
2 house before they become laws and shall be signed by the presiding officers of both
3 houses.

4 (4) All bills revising the senate districts and the apportionment of Senators
5 among those districts, and containing no other matters, shall be read three times in each
6 house before they become laws and shall be signed by the presiding officers of both
7 houses.

8 (5) All bills revising the representative districts and the apportionment of
9 Representatives among those districts, and containing no other matters, shall be read
10 three times in each house before they become laws and shall be signed by the presiding
11 officers of both houses.

12 (6) All bills revising the districts for the election of members of the House of
13 Representatives of the Congress of the United States and the apportionment of
14 Representatives among those districts, and containing no other matters, shall be read
15 three times in each house before they become laws and shall be signed by the presiding
16 officers of both houses.

17 (7) Any other bill shall be read three times in each house and shall be signed by
18 the presiding officer of each house before being presented to the Governor. If the
19 Governor approves, he shall sign it, and it shall become a law; but if not, he shall return
20 it with his objections to that house in which it shall have originated, which shall enter
21 the objections at large on its journal and proceed to reconsider it. If after such
22 reconsideration three-fifths of the members present and voting of that house shall agree
23 to pass the bill, it shall be sent, together with the objections, to the other house, by
24 which it shall likewise be reconsidered; and if approved by three-fifths of the members
25 present and voting of that house, it shall become a law notwithstanding the objections of
26 the Governor. In all such cases the votes of both houses shall be determined by yeas
27 and nays, and the names of the members voting shall be entered on the journal of each
28 house respectively.

29 (8) If any bill shall not be returned by the Governor within 10 calendar days
30 after it shall have been presented to him, the same shall be a law in like manner as if he
31 had signed it, unless the General Assembly shall by its adjournment:

32 a. Sine die; or

33 b. For more than 30 days

34 prevent its return, in which case it shall become a law unless, within 30 days after such
35 adjournment, it is returned by the Governor with his objections. When the General
36 Assembly has adjourned **sine die** or for more than 30 days, the Governor shall
37 reconvene that session as provided by Section 5(7) of Article III of this Constitution for
38 reconsideration of the bill, and if he does not reconvene the session, the bill shall
39 become law on the thirtieth day after such adjournment.

40 (9) Adjournment **sine die** or for more than 30 days does not prevent the return of
41 bills not approved by the Governor. The Principal Clerk of the House of Representatives
42 (or another officer designated by the House of Representatives) and the Principal Clerk
43 of the Senate (or another officer designated by the Senate) shall be deemed proper

1 recipients of such returned bills during recess or adjournment of the General Assembly
2 including **sine die** or for more than 30 days.

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

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

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

11 a. Article III, Section 5(8);

12 b. Article IX, Section 8; or

13 c. Article IV, Section 9(1)

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

15 (13) This section does not apply to appointments made to public office as allowed
16 under:

17 a. Article III, Section 5(8);

18 b. Article IX, Section 8;

19 c. Article IV, Section 9(1); or

20 d. Article IX, Section 4(1)

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

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

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

31 a. Sine die; or

32 b. For more than 30 days.

33 If the date of reconvening the session occurs after the expiration of the regular terms
34 of office of the members of the General Assembly, they shall remain in office for the
35 sole purpose of reconsidering the bill notwithstanding the objections of the Governor.
36 In the case provided by this paragraph, the reconvened session shall not extend more
37 than ten calendar days, and the members shall receive compensation and allowances
38 during the term of such extension because of the extension. This paragraph does not
39 change the beginning of the term of office of the newly elected members, which shall
40 continue to be the first day of January as provided by Section 9 of this Article.
41 Notwithstanding Section 9 of Article VI of this Constitution, a person whose term has
42 been extended by this paragraph and who has been elected to an office for a term
43 commencing on the first day of January shall be entitled to hold both offices during that
44 period."

1 Sec. 3. The amendments set forth in Sections 1 and 2 of this act shall be
2 submitted to the qualified voters of the State at the statewide primary election in 1990
3 which shall be conducted under the laws then governing elections in the State.

4 Sec. 4. 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 amendments granting veto power to the Governor,
7 provided such veto may be overridden by three-fifths vote of each
8 house of the General Assembly.

9 AGAINST constitutional amendments granting veto power to the
10 Governor, provided such veto may be overridden by three-fifths vote
11 of each house of the General Assembly."

12 Those qualified voters favoring the amendments 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. 5. If a majority of votes cast are in favor of the constitutional
20 amendments set out in Sections 1 and 2 of this act, then the State Board of Elections
21 shall certify the amendments set out in Sections 1 and 2 of this act to the Secretary of
22 State who shall enroll the amendments so certified among the permanent records of his
23 office. These constitutional amendments shall become effective on or after January 1,
24 1993.

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