

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 3

Short Title: Veto.

(Public)

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Sponsors: Representatives Rhyne; Pope, Wood, Dickson, Dockham, Howard, Loflin, Privette, Russell, and Wilson.

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Referred to: Courts, Justice, Constitutional Amendments & Referenda.

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January 31, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR A GUBERNATORIAL VETO REQUIRING A TWO-  
3 THIRDS VOTE TO OVERRIDE AND INCLUDING A LINE-ITEM VETO FOR  
4 APPROPRIATIONS MEASURES.

5 The General Assembly of North Carolina enacts:

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

8 "**Sec. 22. Action on bills.** ~~All bills and resolutions of a legislative nature shall be~~  
9 ~~read three times in each house before they become laws, and shall be signed by the~~  
10 ~~presiding officers of both houses.~~

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

15 (2) 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 (3) Local bills. Every bill that applies in fewer than 15 counties shall be read  
19 three times in each house before it becomes law and shall be signed by the presiding  
20 officers of both houses. The exemption from veto by the Governor provided in this  
21 subdivision does not apply if the bill, at the time it is signed by the presiding officers:

22 a. Would extend the application of a law so that the law would apply in  
23 more than half the counties in the State, or

1           b.        Would enact a law so similar in effect to another law or laws that the  
2           result would be a law applying in more than half the counties in the  
3           State.

4        Notwithstanding the previous sentence, a bill is exempt from veto if by its terms it  
5        applies to the government of only one named county, city, town, school administrative  
6        unit, or other unit of local government and contains no other matter. Notwithstanding  
7        any other language in this subdivision, the exemption from veto provided by this  
8        subdivision does not apply to any bill to enact a general law classified by population or  
9        other criteria, or to any bill that contains an appropriation from the State treasury.

10       (4)    State Senate redistricting. Every bill revising the Senate districts and the  
11       apportionment of Senators of the General Assembly among those districts, and  
12       containing no other matter, shall be read three times in each house before it becomes  
13       law and shall be signed by the presiding officers of both houses.

14       (5)    State House redistricting. Every bill revising the representative districts and  
15       the apportionment of Representatives of the General Assembly among those districts,  
16       and containing no other matter, shall be read three times in each house before it  
17       becomes law and shall be signed by the presiding officers of both houses.

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

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

35           a.        sine die; or

36           b.        for more than 30 days,

37       in which case it shall become a law unless, within 30 days after such adjournment, it is  
38       returned by the Governor with his objections and veto message to that house in which it  
39       shall have originated. When the General Assembly has adjourned **sine die** or for more  
40       than 30 days, the Governor shall reconvene that session as provided by Article III,  
41       Section 5(11) of this Constitution for reconsideration of the bill, and if he does not  
42       reconvene the session, the bill shall become law on the 40th day after such adjournment.

1       (8) Return of bills after adjournment. For purposes of return of bills not approved  
2 by the Governor, each house shall designate its principal clerk or another officer to  
3 receive returned bills during its adjournment.

4       (9) Line-item veto. If any bill presented to the Governor contains items of  
5 appropriations of money, he may object to one or more items while approving of the  
6 other portion of the bill. In such a case he shall append to the bill, at the time of signing  
7 it, a statement of the items to which he objects; and the appropriations so objected to  
8 shall not take effect. He shall transmit to the house in which the bill originated a copy of  
9 such statement, and the items objected to shall be separately reconsidered. If after such  
10 reconsideration any such items be approved by two-thirds of all the members of that  
11 house, the item or items approved, together with the Governor's statement of objections  
12 thereto, shall be transmitted to the other house and the item separately reconsidered; and  
13 if any item be approved by two-thirds of all the members of of that house, the same  
14 shall be part of the law, notwithstanding the objections of the Governor. All the  
15 provisions of this section in relation to bills not approved by the Governor shall apply in  
16 cases in which he shall withhold his approval for any item or items contained in a bill  
17 appropriating money."

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

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

- 26           a. sine die; or  
27           b. for more than 30 days.

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

31       Sec. 3. Article  
32 XIII, Section 1 of the Constitution of North Carolina reads as rewritten:

33       "Section 1. Convention of the People.

34 No Convention of the People of this State shall ever be called unless by the concurrence  
35 of two-thirds of all the members of each house of the General Assembly and of the  
36 Governor, and unless the proposition 'Convention or No Convention' is first submitted  
37 to the qualified voters of the State at the time and in the manner prescribed by the  
38 General Assembly. If a majority of the votes cast upon the proposition are in favor of a  
39 Convention, it shall assemble on the day prescribed by the General Assembly. The  
40 General Assembly shall, in the act of submitting the convention proposition, propose  
41 limitations upon the authority of the Convention; and if a majority of the votes cast  
42 upon the proposition are in favor of a Convention, those limitations shall become  
43 binding upon the Convention. Delegates to the Convention shall be elected by the  
44 qualified voters at the time and in the manner prescribed in the act of submission. The

1 Convention shall consist of a number of delegates equal to the membership of the House  
2 of Representatives of the General Assembly that submits the convention proposition and  
3 the delegates shall be apportioned as is the House of Representatives. A Convention  
4 shall adopt no ordinance not necessary to the purpose for which the Convention has  
5 been called."

6 ♦ Sec. 4. Article XIII, Section 4 of the Constitution of North Carolina reads  
7 as rewritten:

8 "Sec. 4. Revision or amendment by legislative initiation.

9 A proposal of a new or revised Constitution or an amendment or amendments to this  
10 Constitution may be initiated by the General Assembly, but only if three-fifths of all the  
11 members of each house shall adopt with the concurrence of the Governor an act  
12 submitting the proposal to the qualified voters of the State for their ratification or  
13 rejection. The proposal shall be submitted at the time and in the manner prescribed by  
14 the General Assembly. If a majority of the votes cast thereon are in favor of the  
15 proposed new or revised Constitution or constitutional amendment or amendments, it or  
16 they shall become effective January first next after ratification by the voters unless a  
17 different effective date is prescribed in the act submitting the proposal or proposals to  
18 the qualified voters."

19 Sec. 5. The amendments set forth in Sections 1 through 4 of this act shall be  
20 submitted to the qualified voters of the State on the Tuesday after the first Monday in  
21 November of 1991, and the election shall be conducted under the laws then governing  
22 elections in the State.

23 Sec. 6. At that election, each qualified voter desiring to vote shall be  
24 provided a ballot on which shall be printed the following:

25 "[ ] FOR constitutional amendments to give the Governor a veto, including  
26 a line-item veto for appropriations, subject to being overridden by two-  
27 thirds of all the members of each house of the General Assembly.

28 [ ] AGAINST constitutional amendments to give the Governor a veto,  
29 including a line-item veto for appropriations, subject to being  
30 overridden by two-thirds of all the members of each house of the  
31 General Assembly."

32 Those qualified voters favoring the amendments shall vote by marking an "X" or a check  
33 mark in the square beside the statement beginning "FOR", and those qualified voters  
34 opposed to the amendment shall vote by marking an "X" or a check mark in the square  
35 beside the statement beginning "AGAINST".

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

39 Sec. 7. If a majority of votes cast are in favor of the constitutional  
40 amendments set out in Sections 1 through 4 of this act, then the State Board of Elections  
41 shall certify the amendments set out in Sections 1 through 4 of this act to the Secretary  
42 of State who shall enroll the amendments so certified among the permanent records of  
43 his office. The constitutional amendments proposed by Sections 1 through 4 of this act  
44 shall become effective January 1, 1992.

1           Sec. 8. This act is effective upon ratification.