

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 244

Short Title: Veto.

(Public)

Sponsors: Senator Staton.

Referred to: Constitution.

March 20, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM IN NOVEMBER 1992 TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO REQUIRING A THREE-FIFTHS VOTE TO OVERRIDE.

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) Amendments to Constitution of North Carolina. 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) Amendments to Constitution of the United States. 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) Appointments by General Assembly. Every bill in which the General Assembly makes an appointment or appointments to 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) Joint resolutions. Every joint resolution shall be read three times in each
2 house before it becomes effective, and shall be signed by the presiding officers of both
3 houses.

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

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

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

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

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

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

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

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

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

5 a. Sine die; or

6 b. For more than 30 days,

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

14 (11) Return of bills after adjournment. For purposes of return of bills not approved
15 by the Governor, each house shall designate its principal clerk or another officer to
16 receive returned bills during its adjournment."

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

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

25 a. Sine die; or

26 b. For more than 30 days.

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

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

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

36 " FOR constitutional amendment granting veto power to the Governor.

37 AGAINST constitutional amendment granting veto power to the
38 Governor."

39 Those qualified voters favoring the amendments shall vote by marking an "X" or a check
40 mark in the square beside the statement beginning "FOR", and those qualified voters
41 opposed to the amendment shall vote by marking an "X" or a check mark in the square
42 beside the statement beginning "AGAINST".

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

4 Sec. 5. If a majority of votes cast are in favor of the constitutional
5 amendments set out in Sections 1 and 2 of this act, then the State Board of Elections
6 shall certify the amendments set out in Sections 1 and 2 of this act to the Secretary of
7 State who shall enroll the amendments so certified among the permanent records of his
8 office. The constitutional amendments proposed by Sections 1 and 2 of this act become
9 effective January 1, 1993.

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