

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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1

HOUSE BILL 11*

Short Title: Veto.

(Public)

Sponsors: Representatives Nichols, Daughtry, Hayes, Brawley, Russell, Lemmond, Weatherly, Baker, Clary; Aldridge, Allred, Arnold, Barbee, Berry, Bowie, J. Brown, Buchanan, Cansler, Capps, Carpenter, Church, Cocklereece, Creech, Culp, Cummings, Davis, Decker, Dickson, Dockham, Eddins, Edwards, Esposito, Gardner, Grady, Gray, Hiatt, Hill, Holmes, Howard, Ives, Justus, Kiser, Linney, McComas, McCombs, McMahan, K. Miller, Miner, Mitchell, Morgan, Neely, Pate, Preston, Pulley, Rayfield, Reynolds, Robinson, Sexton, Sharpe, Sherrill, Shubert, Snowden, Tallent, Thompson, Warner, C. Wilson, G. Wilson, and Wood.

Referred to: Judiciary I.

January 26, 1995

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION
3 TO PROVIDE FOR A GUBERNATORIAL VETO OF ENTIRE BILLS, A
4 GUBERNATORIAL LINE-ITEM VETO OF APPROPRIATIONS, AND TO
5 ALLOW THE GOVERNOR TO REDUCE AN APPROPRIATION RATHER THAN
6 REJECTING IT.

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 22 of Article II of the Constitution of North Carolina reads
9 as rewritten:

10 "Sec. 22. Action on bills.

11 ~~All bills and resolutions of a legislative nature shall be read three times in each house~~
12 ~~before they become laws, and shall be signed by the presiding officers of both houses.~~

1 (1) Bills subject to veto by Governor; override of veto. Except as provided by
2 subsections (3) through (6) of this section, all bills shall be read three times in each house
3 and shall be signed by the presiding officer of each house before being presented to the
4 Governor. If the Governor approves, the Governor shall sign it and it shall become a law;
5 but if not, the Governor shall return it with objections, together with a veto message
6 stating the reasons for such objections, to that house in which it shall have originated,
7 which shall enter the objections and veto message at large on its journal, and proceed to
8 reconsider it. If after such reconsideration three-fifths of the members of that house
9 present and voting shall agree to pass the bill, it shall be sent, together with the objections
10 and veto message, to the other house, by which it shall likewise be reconsidered; and if
11 approved by three-fifths of the members of that house present and voting, it shall become
12 a law notwithstanding the objections of the Governor. In all such cases the votes of both
13 houses shall be determined by yeas and nays, and the names of the members voting shall
14 be entered on the journal of each house respectively.

15 (2) Line-item veto. If any bill presented to the Governor contains items of
16 appropriation of money, the Governor may reduce or object to one or more of such items
17 while approving of the other portion of the bill. In such a case the Governor shall append
18 to the bill, at the time of signing it, a statement of the item or items to which the
19 Governor reduces or objects; and the appropriations so objected to shall not take effect,
20 or if the appropriation is reduced, it shall take effect at the lower amount. The Governor
21 shall transmit to the house in which the bill originated a copy of such statement, which
22 shall enter the statement at large on its journal, and the item or items reduced or objected
23 to shall be reconsidered. If after such reconsideration any such item or items be approved
24 by three-fifths of the members of that house present and voting, the item or items
25 approved, together with the Governor's statement of objection thereto shall be transmitted
26 to the other house and the item or items reconsidered; and if any item be approved by
27 three-fifths of the members of that house present and voting, the same shall be part of the
28 law, notwithstanding the reduction by or objections of the Governor. In all such cases the
29 votes of both houses shall be determined by yeas and nays, and the names of the
30 members voting shall be entered on the journal of each house respectively.

31 (3) Amendments to Constitution of North Carolina. Every bill proposing a new
32 or revised Constitution or an amendment or amendments to this Constitution or calling a
33 convention of the people of this State, and containing no other matter, shall be submitted
34 to the qualified voters of this State after it shall have been read three times in each house
35 and signed by the presiding officers of both houses.

36 (4) Amendments to Constitution of the United States. Every bill approving an
37 amendment to the Constitution of the United States, or applying for a convention to
38 propose amendments to the Constitution of the United States, and containing no other
39 matter, shall be read three times in each house before it is ratified, and shall be signed by
40 the presiding officers of both houses.

41 (5) Joint resolutions. Every joint resolution shall be read three times in each
42 house before it becomes effective and shall be signed by the presiding officers of both
43 houses.

1 (6) **Other exceptions.** Every bill:

- 2 (a) In which the General Assembly makes an appointment or appointments
3 to public office and which contains no other matter;
4 (b) Revising the senate districts and the apportionment of Senators among
5 those districts and containing no other matter;
6 (c) Revising the representative districts and the apportionment of
7 Representatives among those districts and containing no other matter;
8 (d) Revising the districts for the election of members of the House of
9 Representatives of the Congress of the United States and the
10 apportionment of Representatives among those districts and containing
11 no other matter;
12 (e) Which by its terms applies to the government of only one named
13 county, city, town, school administrative unit, or other unit of local
14 government and contains no other matter shall be read three times in
15 each house before it becomes law and shall be signed by the presiding
16 officers of both houses. Notwithstanding any other language in the
17 preceding sentence, the exemption from veto provided by that sentence
18 does not apply to any bill to enact a general law classified by population
19 or other criteria or to any bill that contains an appropriation from the
20 State treasury shall be read three times in each house before it is ratified,
21 and shall be signed by the presiding officers of both houses.

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

- 26 (a) For more than 30 days as provided by jointly under Section 20 of
27 Article II of this Constitution; or
28 (b) Sine die

29 in which case it shall become a law unless, within 30 days after such adjournment, it is
30 returned by the Governor with objections and veto message to that house in which it shall
31 have originated. When the General Assembly has adjourned sine die or for more than 30
32 days as provided by jointly under Section 20 of Article II of this Constitution, the
33 Governor shall reconvene that session as provided by Section 5(11) of Article III of this
34 Constitution for reconsideration of the bill, and if the Governor does not reconvene the
35 session, the bill shall become law on the fortieth day after such adjournment.

36 (8) **Return of bills after adjournment.** For purposes of return of bills not
37 approved by the Governor, each house shall designate an officer to receive returned bills
38 during its adjournment."

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

41 "**(11) Reconvened sessions.** The Governor shall, when required by Section 22 of
42 Article II of this Constitution, reconvene a session of the General Assembly. At such
43 reconvened session, the General Assembly may only consider such bills as were returned

1 by the Governor to that reconvened session for reconsideration. Such reconvened session
2 shall begin on a date set by the Governor, but no later than 40 days after the General
3 Assembly adjourned:

4 (a) For more than 30 days as provided by jointly under Section 20 of
5 Article II of this Constitution; or

6 (b) Sine die.

7 If the date of reconvening the session occurs after the expiration of the terms of office
8 of the members of the General Assembly, then the members serving for the reconvened
9 session shall be the members for the succeeding term."

10 Sec. 3. The amendments set out in Sections 1 and 2 of this act shall be
11 submitted to the qualified voters of the State at a statewide election on November 7,
12 1995, which election shall be conducted under the laws then governing elections in the
13 State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of
14 the General Statutes. The question to be used in the voting systems and ballots shall be:

15 **"[] FOR [] AGAINST**

16 **Constitutional amendments granting veto power to the Governor".**

17 Sec. 4. If a majority of votes cast on the question are in favor of the
18 amendments set out in Sections 1 and 2 of this act, the State Board of Elections shall
19 certify the amendments to the Secretary of State. The amendments become effective
20 January 1, 1996. The Secretary of State shall enroll the amendments so certified among
21 the permanent records of that office.

22 Sec. 5. This act is effective upon ratification.