

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 54
Judiciary I/Constitution Committee Substitute Adopted 3/7/95
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Short Title: Veto Conforming Changes.

(Public)

Sponsors:

Referred to:

January 26, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE STATUTORY CONFORMING CHANGES NECESSITATED BY
3 AN ACT TO PROVIDE FOR A GUBERNATORIAL VETO.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 120-33 reads as rewritten:

6 **"§ 120-33. Duties of enrolling clerk.**

7 (a) All bills passed by the General Assembly shall be enrolled for ratification
8 under the supervision of the enrolling clerk.

9 (b) Prior to enrolling any bill, the enrolling clerk shall substitute the corresponding
10 Arabic numeral(s) for any date or section number of the General Statutes or of any act of
11 the General Assembly which is written in words. The enrolled bill shall have the word
12 'RATIFIED' following the bill number.

13 (c) All bills shall be typewritten and carefully proofread before enrollment.

14 (d) Upon ratification of an act or joint resolution, the enrolling clerk shall ~~assign in~~
15 ~~Arabic numerals a Chapter number to each session law and present one true ratified copy:~~

16 (1) To the Governor of any act except acts not required to be presented to
17 the Governor under Article II, Section 22 of the Constitution of North
18 Carolina; and

1 (2) To the Secretary of State of:

2 a. Acts not required to be presented to the Governor under Article
3 II, Section 22 of the Constitution of North Carolina; and

4 b. Joint resolutions.

5 In the case of any bill presented to the Governor, the enrolling clerk shall write upon
6 the bill the time and date presented to the Governor.

7 ~~deposit the ratified laws and joint resolutions with one true copy of each with the~~
8 ~~Secretary of State.~~

9 (d1) The enrolling clerk shall present to the Secretary of State one true ratified copy
10 of:

11 (1) Any bill which has become law with the approval of the Governor as
12 provided by G.S. 120-29.2(a);

13 (2) Any bill which has become law without the approval of the Governor as
14 provided by G.S. 120-29.2(b); and

15 (3) Any bill which has become law notwithstanding the objections of the
16 Governor, as provided by G.S. 120-29.2(c).

17 (d2) No bill required to be presented to the Governor under Article II, Section 22 of
18 the Constitution of North Carolina shall be so presented until the time for moving a
19 reconsideration shall have expired, unless expressly ordered by that house where such bill
20 was ordered enrolled.

21 ~~(e) The enrolling clerk shall furnish each member of the General Assembly with a~~
22 ~~legible conformed copy of all laws and joint resolutions of the General Assembly, which~~
23 ~~shall show the Chapter number of any law or the number of any joint resolution, in~~
24 ~~conformity with the number assigned to the enactment.~~

25 (f) ~~The enrolling clerk upon completion of his duties after each session shall deposit~~
26 ~~the original bills and resolutions enrolled for ratification by him with the Secretary of~~
27 ~~State."~~

28 Sec. 2. Chapter 120 of the General Statutes is amended by adding a new
29 section to read:

30 **"§ 120-29.2. Approval of bills.**

31 (a) If the Governor approves a bill, the Governor shall write upon the same, to
32 the left of and below the signatures of the presiding officers of the two houses, the fact,
33 date, and time of approval, as follows: 'Approved ____ .m. this ____ day of ____ , ' and
34 shall sign the same as follows: '____ Governor'. The Governor shall then return the
35 approved bill to the enrolling clerk.

36 (b) If any bill becomes law because of the failure of the Governor to take any
37 action, it shall be the duty of the Governor to return the measure to the enrolling clerk,
38 who shall sign the following certificate on the measure and deposit it with the Secretary
39 of State: 'This bill having been presented to the Governor for his signature on the ____ day
40 of ____ , ____ and the Governor having failed to approve it within the time prescribed by
41 law, the same is hereby declared to have become a law.

42 This ____ day of ____ , ____ , ____ Enrolling Clerk'.

1 (c) If the Governor returns any bill to the house of origin with his objections, the
2 Governor shall write such objections on the measure or cause the objections to be
3 attached to the measure. When any such bill becomes law after reconsideration of the
4 two houses, the presiding officers shall, below the objections of the Governor, sign the
5 following certificate: 'Became law notwithstanding the objections of the Governor, .m.
6 this day of , ' . The second of them to sign shall fill in the time. The enrolling
7 clerk shall deposit the measure with the Secretary of State.'

8 Sec. 3. G.S. 120-20 reads as rewritten:

9 **"§ 120-20. When acts take effect.**

10 Acts of the General Assembly shall be in force only from and after ~~30-60~~ days after
11 the adjournment of the session in which they shall have passed, unless the
12 commencement of the operation thereof be expressly otherwise directed."

13 Sec. 4. G.S. 120-30.9B(1) reads as rewritten:

14 "(1) ~~Within 30 days of ratification—the time they become laws~~ all
15 acts of the General Assembly that amend, delete, add to, modify or
16 repeal any provision of Chapter 163 of the General Statutes or any
17 other statewide legislation, except relating to Chapter 7A of the
18 General Statutes, which constitutes a 'change affecting voting' under
19 Section 5 of the Voting Rights Act of 1965; and".

20 Sec. 5. G.S. 120-30.9C reads as rewritten:

21 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

22 The Administrative Officer of the Courts shall submit to the Attorney General of the
23 United States within 30 days of ~~ratification—the time they become laws~~ all acts of the
24 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
25 7A of the General Statutes of North Carolina which constitutes a 'change affecting voting'
26 under Section 5 of the Voting Rights Act of 1965."

27 Sec. 6. G.S. 120-30.9E reads as rewritten:

28 **"§ 120-30.9E. Counties; County Attorney.**

29 The County Attorney of any county covered by the Voting Rights Act of 1965 shall
30 submit to the Attorney General of the United States within 30 ~~days of ratification or~~
31 ~~adoption any local acts of the General Assembly, days:~~

32 (1) Of the time they become laws, any local acts of the General Assembly;
33 and

34 (2) Of adoption actions of the county board of commissioners, or the county
35 board of elections or any other county agency which constitutes a
36 'change affecting voting' under Section 5 of the Voting Rights Act of
37 1965 in that county."

38 Sec. 7. G.S. 120-30.9F reads as rewritten:

39 **"§ 120-30.9F. Municipalities; municipal attorney.**

40 The municipal attorney of any municipality covered by the Voting Rights Act of 1965
41 shall submit to the Attorney General of the United States within 30 ~~days of ratification any~~
42 ~~local acts of the General Assembly, days:~~

- 1 (1) Of the time they become laws, any local acts of the General Assembly;
2 and
3 (2) Of adoption actions of the municipal governing body or municipal
4 board of elections or any other municipal agency which constitutes a
5 'change affecting voting' under Section 5 of the Voting Rights Act of
6 1965 in that municipality; provided that, if required or allowed by
7 regulations or practices of the United States Department of Justice, a
8 municipal attorney may delay submission of any annexation ordinance
9 or group of ordinances until all previously submitted annexation
10 ordinances have been precleared or otherwise received final
11 disposition."

12 Sec. 8. G.S. 120-30.9G(b) reads as rewritten:

13 "(b) The attorney for any local board of education where that school administrative
14 unit is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of
15 the United States within 30 ~~days of ratification any local acts of the General Assembly, or~~
16 days:

- 17 (1) Of the time they become laws, any local acts of the General Assembly;
18 and
19 (2) Of adoption actions of the local boards of education which constitutes a
20 'change affecting voting' under Section 5 of the Voting Rights Act of
21 1965 in that school administrative unit. If the change affecting voting is
22 a merger of two or more school administrative units, the change shall be
23 submitted jointly by the attorneys of the school administrative units
24 involved, or by one of them by agreement of the attorneys involved."

25 Sec. 9. G.S. 147-36(1) reads as rewritten:

- 26 "(1) ~~To attend at every session of the legislature for the purpose of receiving bills~~
27 ~~which shall have become laws, and to perform such other duties as may~~
28 ~~then be devolved upon him by resolution of the two Houses, houses of~~
29 ~~the General Assembly or either of them;".~~

30 Sec. 10. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as
31 rewritten:

32 "(h) Private statutes. In pleading a private statute or right derived therefrom it is
33 sufficient to refer to the statute by its title or the day of its ratification if ratified before
34 January 1, 1996, or the date it becomes law if it becomes law on or after January 1, 1996,
35 and the court shall thereupon take judicial notice of it."

36 Sec. 11. G.S. 97-31.1 reads as rewritten:

37 "**§ 97-31.1. Effective date of legislative changes in benefits.**

38 Every act of the General Assembly that changes the benefits enumerated in this
39 Chapter shall ~~have a ratification date of~~ become law no later than June 1 and shall have an
40 effective date of no earlier than January 1 of the year after which it is ratified."

41 Sec. 12. G.S. 120-34(a) reads as rewritten:

42 "(a) The Legislative Services Commission shall publish all laws and joint
43 resolutions passed at each session of the General Assembly. The laws and joint

1 resolutions shall be kept separate and indexed separately. Each volume shall contain a
2 certificate from the Secretary of State stating that the volume was printed under the
3 direction of the Legislative Services Commission from ratified acts and resolutions on
4 file in the Office of the Secretary of State. The Commission may publish the Session
5 Laws and House and Senate Journals of extra and special sessions of the General
6 Assembly in the same volume or volumes as those of regular sessions of the General
7 Assembly. In printing, the signatures of the presiding officers and the Governor shall be
8 omitted.

9 The enrolling clerk or the Legislative Services Office shall assign to each bill that
10 becomes law a number in the order the bill became law, and the laws shall be printed in
11 the Session Laws in that order. The number shall be preceded by the letters 'S.L.'
12 followed by the calendar year it was ordered enrolled, followed by a hyphen and the
13 sequential law number. Laws of Extra Sessions shall so indicate. In the case of any bill
14 required to be presented to the Governor, and which became law, the Session Laws shall
15 carry, below the date of ratification, editorial notes as to what time and what date the bill
16 became law. In any case where the Governor has returned a bill to the General
17 Assembly with objections, those objections shall be printed verbatim in the Session
18 Laws, regardless of whether or not the bill became law notwithstanding the objections."

19 Sec. 13. G.S. 120-133 reads as rewritten:

20 **"§ 120-133. Redistricting communications.**

21 Notwithstanding any other provision of law, all drafting and information requests to
22 legislative employees and documents prepared by legislative employees for legislators
23 concerning redistricting the North Carolina General Assembly or the Congressional
24 Districts are no longer confidential and become public records upon the ~~ratification of the~~
25 act establishing the relevant district plan becoming law. Present and former legislative
26 employees may be required to disclose information otherwise protected by G.S. 120-132
27 concerning redistricting the North Carolina General Assembly or the Congressional
28 Districts upon the ~~ratification of the~~ act establishing the relevant district plan becoming
29 law."

30 Sec. 14. G.S. 120-149.3 reads as rewritten:

31 "(c) If a legislative proposal receives a favorable report but ~~is not ratified~~ does not
32 become law during the biennial session in which it is introduced, a new assessment report
33 shall be required before the same or a substantially similar legislative proposal may be
34 considered after first reading or by any committee during a subsequent biennial session of
35 the General Assembly. If a proposal receives a favorable report but is not introduced as a
36 legislative proposal, the favorable report shall expire at the adjournment of the biennial
37 session coinciding with or following issuance of the final report."

38 Sec. 15. G.S. 130A-51(a) reads as rewritten:

39 "(a) When the General Assembly incorporates a city or town that includes within its
40 territory fifty percent (50%) or more of the territory of a sanitary district, the governing
41 body of the city or town shall become ex officio the governing board of the sanitary
42 district if the General Assembly provides for this action in the incorporation act and if the
43 existing sanitary district board adopts a final resolution pursuant to this section. The

- 1 effective with respect to bills and joint resolutions passed in either house of the General
- 2 Assembly on or after January 1, 1997.
- 3 Sec. 18. This act is effective upon ratification.