

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 3

Short Title: Veto.

(Public)

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Sponsors: Senators Cooper; Albertson, Warren, Soles, Speed, Dannelly, Hoyle, Hobbs, Kerr, Martin of Guilford, Rand, Odom, Plexico, Lucas, and Plyler.

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Referred to: Judiciary I/Constitution.

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January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION  
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) 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.

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

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

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

12       (6) **State House redistricting.** Every bill revising the Representative districts and  
13 the apportionment of Representatives among those districts and containing no other  
14 matter shall be read three times in each house before it becomes law and shall be signed  
15 by the presiding officers of both houses.

16       (7) **Congressional redistricting.** Every bill revising the districts for the election of  
17 members of the House of Representatives of the Congress of the United States and the  
18 apportionment of Representatives among those districts and containing no other matter  
19 shall be read three times in each house before it becomes law and shall be signed by the  
20 presiding officers of both houses.

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

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

38           (a) Sine die; or

39           (b) For more than 30 days,

40 in which case it shall become a law unless, within 30 days after such adjournment, it is  
41 returned by the Governor with objections and veto message to that house in which it shall  
42 have originated. When the General Assembly has adjourned sine die or for more than 30  
43 days, the Governor shall reconvene that session as provided by Section 5(11) of Article

1 III of this Constitution for reconsideration of the bill, and if the Governor does not  
2 reconvene the session, the bill shall become law on the fortieth day after such  
3 adjournment.

4 (10) **Return of bills after adjournment.** For purposes of return of bills not  
5 approved by the Governor, each house shall designate an officer to receive returned bills  
6 during its adjournment."

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

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

15 (a) **Sine die; or**

16 (b) **For more than 30 days.**

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

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

26 **"[ ] FOR [ ] AGAINST**

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

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

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