

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 45

Short Title: Line-Item Veto.

(Public)

Sponsors: Representatives Balmer; Arnold, Barbee, Berry, Bowie, J. Brown, Daughtry, Decker, Dickson, Dockham, Edwards, Ellis, Esposito, Flaherty, Gardner, Grady, Gray, Hayes, Holmes, Howard, Ives, Justus, McCombs, Miner, Mitchell, Morgan, Nichols, C. Preston, J. Preston, Russell, Tallent, G. Thompson, Warner, Weatherly, and C. Wilson.

Referred to: Constitutional Amendments and Referenda.

February 4, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO SECURE
TO THE GOVERNOR THE POWER OF LINE-ITEM 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) All bills 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 matters, shall be submitted to the qualified voters of this State after
they shall have been read three times in each house, and signed by the presiding officers
of both houses.

(2) All bills 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 matters, shall be read three times in each house before
they become laws, and shall be signed by the presiding officers of both houses.

(3) Any other bill shall be read three times in each house and shall be signed by
the presiding officer of each house before being presented to the Governor. If the
Governor approves, he shall sign it and it shall become a law; but if not, he shall return

1 it with his objections to that house in which it shall have originated, which shall enter
2 the objections at large on its journal, and proceed to reconsider it. If after such
3 reconsideration two-thirds of all the members of that house shall agree to pass the bill,
4 it shall be sent, together with the objections, to the other house, by which it shall
5 likewise be reconsidered; and if approved by two-thirds of all the members of that
6 house, it shall become a law notwithstanding the objections of the Governor. In all such
7 cases the votes of both houses shall be determined by yeas and nays, and the names of
8 the members voting shall be entered on the journal of each house respectively.

9 (4) If any bill shall not be returned by the Governor within 10 days (Sundays
10 excepted) after it shall have been presented to him, the same shall be a law in like
11 manner as if he had signed it, unless the General Assembly shall, by its adjournment,
12 prevent its return, in which case it shall not become a law without the approval of the
13 Governor.

14 (5) No bill shall become a law after adjournment of the General Assembly **sine**
15 **die** unless approved by the Governor within 30 days after such adjournment.

16 (6) If any bill presented to the Governor contains items of appropriation of
17 money, he may object to one or more of such items while approving of the other portion
18 of the bill. In such a case he shall append to the bill, at the time of signing it, a
19 statement of the items to which he objects; and the appropriations so objected to shall
20 not take effect. If the General Assembly shall be in session, he shall transmit to the
21 house in which the bill originated a copy of such statement, and the items objected to
22 shall be separately reconsidered. If after such reconsideration any such items be
23 approved by two-thirds of all the members of that house, the item or items approved,
24 together with the Governor's statement of objection thereto shall be transmitted to the
25 other house and the item separately reconsidered; and if any item be approved by two-
26 thirds of all the members of that house, the same shall be part of the law,
27 notwithstanding the objections of the Governor.

28 (7) All the provisions of this section in relation to bills not approved by the
29 Governor shall apply in cases in which he shall withhold his approval for any item or
30 items contained in a bill appropriating money.

31 (8) For purposes of return of bills not approved by the Governor, the General
32 Assembly shall be considered to be continuously in session until it adjourns **sine die**;
33 and the Principal Clerk of the House of Representatives (or another officer designated
34 by the House of Representatives) and the Principal Clerk of the Senate (or another
35 officer designated by the Senate) shall be deemed proper recipients of such returned
36 bills during recess or adjournment of the General Assembly other than **sine die**.

37 (9) Every joint resolution shall be read three times in each house before it
38 becomes effective, and shall be signed by the presiding officers of both houses.

39 (10) Every order to which the concurrence of both houses of the General
40 Assembly may be necessary shall be presented to the Governor and, before the same
41 shall take effect, be approved by him or, being disapproved by him, shall be repassed by
42 two-thirds of all the members of each house of the General Assembly, according to the
43 rules and limitations prescribed in this section in case of a bill. 'Order' as used in this

1 section is an appointment by the General Assembly to public office (except in the
2 legislative branch) made other than by bill."

3 Sec. 2. The amendment set forth in Section 1 of this act shall be submitted to
4 the qualified voters of the State at the general election in November of 1994, which
5 shall be conducted under the laws then governing elections in the State.

6 Sec. 3. At that election, each qualified voter desiring to vote shall be
7 provided a ballot on which shall be printed the following:

8 "[] FOR constitutional amendment granting veto power to the Governor,
9 provided such veto may be overridden by two-thirds vote of each
10 house of the General Assembly.

11 [] AGAINST constitutional amendment granting veto power to the
12 Governor, provided such veto may be overridden by two-thirds vote of
13 each house of the General Assembly."

14 Those qualified voters favoring the amendment shall vote by marking an "X" or a check
15 mark in the square beside the statement beginning "FOR", and those qualified voters
16 opposed to the amendment shall vote by marking an "X" or a check mark in the square
17 beside the statement beginning "AGAINST".

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

21 Sec. 4. If a majority of votes cast thereon are in favor of the constitutional
22 amendment set out in Section 1 of this act, then the State Board of Elections shall
23 certify the amendment set out in Section 1 of this act to the Secretary of State who shall
24 enroll that amendment so certified among the permanent records of his office. This
25 constitutional amendment shall become effective beginning with bills and orders passed
26 in either house of the General Assembly on or after January 1, 1995.