

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 37

Short Title: Veto Conforming Changes.

(Public)

Sponsors: Representative McLaughlin.

Referred to: Judiciary I.

January 30, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE STATUTORY CONFORMING CHANGES NECESSITATED BY
AN ACT TO PROVIDE FOR A GUBERNATORIAL VETO.

The General Assembly of North Carolina enacts:

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

"§ 120-33. Duties of enrolling clerk.

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

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

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

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

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

(2) To the Secretary of State of:

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

1 b. Joint resolutions.

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

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

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

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

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

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

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

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

23 Sec. 2. G.S. 120-20 reads as rewritten:

24 **"§ 120-20. When acts take effect.**

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

28 Sec. 3. G.S. 120-30.9B reads as rewritten:

29 **"§ 120-30.9B. Statewide statutes; State Board of Elections.**

30 The Executive Secretary-Director of the State Board of Elections shall submit to the
31 Attorney General of the United States:

32 (1) ~~Within 30 days of ratification~~the time they become laws all
33 acts of the General Assembly that amend, delete, add to, modify or
34 repeal any provision of Chapter 163 of the General Statutes or any
35 other statewide legislation, except relating to Chapter 7A of the
36 General Statutes, which constitutes a 'change affecting voting' under
37 Section 5 of the Voting Rights Act of 1965; and

38 (2) Within 30 days all alterations of precinct boundaries under G.S. 163-
39 132.2(c) in counties covered by Section 5 of the Voting Rights Act of
40 1965."

41 Sec. 4. G.S. 120-30.9C reads as rewritten:

42 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

1 The Administrative Officer of the Courts shall submit to the Attorney General of the
2 United States within 30 days of ~~ratification—the time they become laws~~ all acts of the
3 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
4 7A of the General Statutes of North Carolina which constitutes a 'change affecting voting'
5 under Section 5 of the Voting Rights Act of 1965."

6 Sec. 5. G.S. 120-30.9E reads as rewritten:

7 **"§ 120-30.9E. Counties; County Attorney.**

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

11 (1) Of the time they become laws any local acts of the General Assembly;
12 and

13 (2) Of adoption actions of the county board of commissioners, or the county
14 board of elections or any other county agency which constitutes a
15 'change affecting voting' under Section 5 of the Voting Rights Act of
16 1965 in that county."

17 Sec. 6. G.S. 120-30.9F reads as rewritten:

18 **"§ 120-30.9F. Municipalities; municipal attorney.**

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

22 (1) Of the time they become laws any local acts of the General Assembly;
23 and

24 (2) Of adoption actions of the municipal governing body or municipal
25 board of elections or any other municipal agency which constitutes a
26 'change affecting voting' under Section 5 of the Voting Rights Act of
27 1965 in that municipality; provided that, if required or allowed by
28 regulations or practices of the United States Department of Justice, a
29 municipal attorney may delay submission of any annexation ordinance
30 or group of ordinances until all previously submitted annexation
31 ordinances have been precleared or otherwise received final
32 disposition."

33 Sec. 7. G.S. 120-30.9G(b) reads as rewritten:

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

38 (1) Of the time they become laws any local acts of the General Assembly;
39 and

40 (2) Of adoption actions of the local boards of education which constitutes a
41 'change affecting voting' under Section 5 of the Voting Rights Act of
42 1965 in that school administrative unit. If the change affecting voting is
43 a merger of two or more school administrative units, the change shall be

1 submitted jointly by the attorneys of the school administrative units
2 involved, or by one of them by agreement of the attorneys involved."

3 Sec. 8. G.S. 147-36(1) reads as rewritten:

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

8 Sec. 9. Chapter 120 of the General Statutes is amended by adding a new
9 section to read:

10 **"§ 120-29.2. Approval of bills.**

11 (a) If the Governor approves a bill, he shall write upon the same, to the left of
12 and below the signatures of the presiding officers of the two houses, the fact, date, and
13 time of his approval, as follows: 'Approved .m. this day of , ' and shall sign
14 the same as follows: ' Governor'. The Governor shall then return the approved bill
15 to the Enrolling Clerk.

16 (b) If any bill becomes law because of the failure of the Governor to take any
17 action, it shall be the duty of the Governor to return the measure to the Enrolling Clerk,
18 who shall sign the following certificate on the measure and deposit it with the Secretary
19 of State: 'This bill having been presented to the Governor for his signature on the day
20 of , and the Governor having failed to return it within the time prescribed by
21 law, the same is hereby declared to have become a law.

22 This day of , Enrolling Clerk'.

23 (c) If the Governor returns any bill to the house of origin with his objections, the
24 Governor shall write such objections on the measure or cause the objections to be
25 attached to the measure. When any such bill becomes law after reconsideration of the
26 two houses, the presiding officers shall, below the objections of the Governor, sign
27 (including the date) the following certificate: 'Became law notwithstanding the objections
28 of the Governor, .m. this day of , '. The second of them to sign shall fill in
29 the time. The Enrolling Clerk shall deposit the measure with the Secretary of State.'

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, 1997, or the date it becomes law if it becomes law on or after January 1, 1997,
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 Assembly
17 with objections, those objections shall be printed verbatim in the Session Laws,
18 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(c) 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 resolution may be adopted at any time within the period beginning on the day of
2 ~~ratification of the incorporation act~~ becomes law and ending 270 days after ~~the effective~~
3 that date."

4 Sec. 16. G.S. 103-5 reads as rewritten:

5 "**§ 103-5. Acts to be done on Sunday or holidays.**

6 (a) Where the day or the last day for doing an act required or permitted by law to
7 be done falls on Sunday or a holiday the act may be done on the next succeeding secular
8 or business day and where the courthouse in any county is closed on Saturday or any
9 other day by order of the board of county commissioners of said county and the day or
10 the last day required for filing an advance bid or the filing of any pleading or written
11 instrument of any kind with any officer having an office in the courthouse, or the
12 performance of any act required or permitted to be done in said courthouse falls on
13 Saturday or other day during which said courthouse is closed as aforesaid, then said
14 Saturday or other day during which said courthouse is closed as aforesaid shall be
15 deemed a holiday; and said advance bid, pleading or other written instrument may be
16 filed, and any act required or permitted to be done in the courthouse may be done on the
17 next day during which the courthouse is open for business.

18 (b) This section does not apply where the act required or permitted by law to be
19 done is prescribed by Section 22 of Article II or Section 5(11) of Article III of the
20 Constitution of North Carolina."

21 Sec. 17. Sections 1 through 16 of this act shall become effective only if "AN
22 ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION TO
23 ESTABLISH A GUBERNATORIAL VETO WITH ONE-HOUSE OVERRIDE, AND
24 TO MAKE STATUTORY CHANGES IN THE APPOINTMENT OF THE BOARD OF
25 TRANSPORTATION AND PROVIDE FOR LEGISLATIVE CONFIRMATION OF
26 CERTAIN GUBERNATORIAL APPOINTMENTS" is ratified and the constitutional
27 amendments proposed by Sections 1 and 2 of that act are approved as provided by
28 Sections 3 and 4 of that act, and if so approved, Sections 1 through 16 of this act shall
29 become effective with respect to bills and joint resolutions passed in either house of the
30 General Assembly on or after January 1, 1997.

31 Sec. 18. This act is effective upon ratification.