

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 44*

Short Title: Veto Conforming Changes.

(Public)

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

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 LINE-ITEM REDUCTION
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.

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

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

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

7 (2) To the Secretary of State of:

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

10 b. Joint resolutions.

11 In the case of any bill presented to the Governor, the enrolling clerk shall write upon
12 the bill the time and date presented to the Governor.
13 ~~deposit the ratified laws and joint resolutions with one true copy of each with the~~
14 ~~Secretary of State.~~

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

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

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

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

23 (4) Any bill which has become law with the approval of the Governor as
24 provided by G.S. 120-29.2(d), but where the Governor has returned the
25 bill to the house of origin with his objections as to, or reductions of, one
26 or more items of appropriation of money along with the copy of the veto
27 message.

28 The enrolling clerk shall also present to the Secretary of State a copy of any certificate
29 received from the principal clerk under G.S. 120-29.2(d) detailing any case where
30 the General Assembly has overridden any line-item veto.

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

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

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

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

1 **"§ 120-29.2. Approval of bills.**

2 (a) If the Governor approves a bill, the Governor shall write upon the same, to the
3 left of and below the signatures of the presiding officers of the two houses, the fact, date,
4 and time of approval, as follows: 'Approved .m. this day of , ' and shall
5 sign the same as follows: ' Governor'. The Governor shall then return the
6 approved bill to the enrolling clerk.

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

13 This day of , , Enrolling Clerk'.

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

21 (d) If under Section 22(6) of the Constitution of North Carolina, the Governor
22 returns any bill to the house of origin with his objections as to, or reduction of, one or
23 more items of appropriation of money, but approving of the other portion of the bill, the
24 Governor shall write such objections on the measure or cause the objections to be
25 attached to the measure. The principal clerk upon receipt of such bill and veto message
26 from the Governor shall immediately transmit the bill and veto message to the enrolling
27 clerk, who shall file it with the Secretary of State as provided by G.S. 120-33. If both
28 houses approve any provision which has been objected to, the objections of the Governor
29 to the contrary notwithstanding, the Principal Clerk of the House which took final action
30 on overriding the line-item veto shall transmit to the enrolling clerk a message detailing
31 the actions taken. The message shall conclude with the following certificate signed by the
32 presiding officers: 'Provision became law notwithstanding the objections of the Governor,
33 .m. this day of , '. The second of them to sign shall fill in the time. The
34 enrolling clerk shall deposit the message with the Secretary of State, and it shall be
35 published as a separate Chapter of the Session Laws."

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

37 **"§ 120-20. When acts take effect.**

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

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

42 (1) Within 30 days of ~~ratification~~ the time they become laws all
43 acts of the General Assembly that amend, delete, add to, modify or

1 repeal any provision of Chapter 163 of the General Statutes or any
2 other statewide legislation, except relating to Chapter 7A of the
3 General Statutes, which constitutes a 'change affecting voting' under
4 Section 5 of the Voting Rights Act of 1965; and".

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

6 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

7 The Administrative Officer of the Courts shall submit to the Attorney General of the
8 United States within 30 days of ~~ratification~~the time they become laws all acts of the
9 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
10 7A of the General Statutes of North Carolina which constitutes a 'change affecting voting'
11 under Section 5 of the Voting Rights Act of 1965."

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

13 **"§ 120-30.9E. Counties; County Attorney.**

14 The County Attorney of any county covered by the Voting Rights Act of 1965 shall
15 submit to the Attorney General of the United States within 30 ~~days of ratification or~~
16 ~~adoption any local acts of the General Assembly,~~ 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 county board of commissioners, or the county
20 board of elections or any other county agency which constitutes a
21 'change affecting voting' under Section 5 of the Voting Rights Act of
22 1965 in that county."

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

24 **"§ 120-30.9F. Municipalities; municipal attorney.**

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

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

30 (2) Of adoption actions of the municipal governing body or municipal
31 board of elections or any other municipal agency which constitutes a
32 'change affecting voting' under Section 5 of the Voting Rights Act of
33 1965 in that municipality; provided that, if required or allowed by
34 regulations or practices of the United States Department of Justice, a
35 municipal attorney may delay submission of any annexation ordinance
36 or group of ordinances until all previously submitted annexation
37 ordinances have been precleared or otherwise received final
38 disposition."

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

40 "(b) The attorney for any local board of education where that school administrative
41 unit is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of
42 the United States within 30 ~~days of ratification any local acts of the General Assembly, or~~
43 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 local boards of education which constitutes a
4 'change affecting voting' under Section 5 of the Voting Rights Act of
5 1965 in that school administrative unit. If the change affecting voting is
6 a merger of two or more school administrative units, the change shall be
7 submitted jointly by the attorneys of the school administrative units
8 involved, or by one of them by agreement of the attorneys involved."

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

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

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

16 "(h) Private statutes. In pleading a private statute or right derived therefrom it is
17 sufficient to refer to the statute by its title or the day of its ratification if ratified before
18 January 1, 1997, or the date it becomes law if it becomes law on or after January 1, 1997,
19 and the court shall thereupon take judicial notice of it."

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

21 "**§ 97-31.1. Effective date of legislative changes in benefits.**

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

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

26 "(a) The Legislative Services Commission shall publish all laws and joint
27 resolutions passed at each session of the General Assembly. The laws and joint
28 resolutions shall be kept separate and indexed separately. Each volume shall contain a
29 certificate from the Secretary of State stating that the volume was printed under the
30 direction of the Legislative Services Commission from ratified acts and resolutions on
31 file in the Office of the Secretary of State. The Commission may publish the Session
32 Laws and House and Senate Journals of extra and special sessions of the General
33 Assembly in the same volume or volumes as those of regular sessions of the General
34 Assembly. In printing, the signatures of the presiding officers and the Governor shall be
35 omitted.

36 The enrolling clerk or the Legislative Services Office shall assign to each bill that
37 becomes law a number in the order the bill became law, and the laws shall be printed in
38 the Session Laws in that order. The number shall be preceded by the letters 'S.L.'
39 followed by the calendar year it was ordered enrolled, followed by a hyphen and the
40 sequential law number. Laws of Extra Sessions shall so indicate. In the case of any bill
41 required to be presented to the Governor, and which became law, the Session Laws shall
42 carry, below the date of ratification, editorial notes as to what time and what date the bill
43 became law. In any case where the Governor has returned a bill to the General

1 Assembly with objections, those objections shall be printed verbatim in the Session
2 Laws, regardless of whether or not the bill became law notwithstanding the objections.
3 In any case where the Governor has objected to or reduced a particular item of
4 appropriation of money, and the General Assembly has overridden that veto, the certificate
5 indicating the veto has been overridden, and detailing the action, shall be assigned a
6 session law chapter number as provided by G.S. 120-29.2(d) based on the time the
7 certificate indicates it was signed by the presiding officer of the second house."

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

9 **"§ 120-133. Redistricting communications.**

10 Notwithstanding any other provision of law, all drafting and information requests to
11 legislative employees and documents prepared by legislative employees for legislators
12 concerning redistricting the North Carolina General Assembly or the Congressional
13 Districts are no longer confidential and become public records upon the ~~ratification of the~~
14 act establishing the relevant district plan becoming law. Present and former legislative
15 employees may be required to disclose information otherwise protected by G.S. 120-132
16 concerning redistricting the North Carolina General Assembly or the Congressional
17 Districts upon the ~~ratification of the act~~ establishing the relevant district plan becoming
18 law."

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

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

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

28 "(a) When the General Assembly incorporates a city or town that includes within its
29 territory fifty percent (50%) or more of the territory of a sanitary district, the governing
30 body of the city or town shall become ex officio the governing board of the sanitary
31 district if the General Assembly provides for this action in the incorporation act and if the
32 existing sanitary district board adopts a final resolution pursuant to this section. The
33 resolution may be adopted at any time within the period beginning on the day of
34 ~~ratification of the incorporation act~~ becomes law and ending 270 days after ~~the effective~~
35 that date."

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

37 **"§ 103-5. Acts to be done on Sunday or holidays.**

38 (a) Where the day or the last day for doing an act required or permitted by law to
39 be done falls on Sunday or a holiday the act may be done on the next succeeding secular
40 or business day and where the courthouse in any county is closed on Saturday or any
41 other day by order of the board of county commissioners of said county and the day or
42 the last day required for filing an advance bid or the filing of any pleading or written
43 instrument of any kind with any officer having an office in the courthouse, or the

1 performance of any act required or permitted to be done in said courthouse falls on
2 Saturday or other day during which said courthouse is closed as aforesaid, then said
3 Saturday or other day during which said courthouse is closed as aforesaid shall be
4 deemed a holiday; and said advance bid, pleading or other written instrument may be
5 filed, and any act required or permitted to be done in the courthouse may be done on the
6 next day during which the courthouse is open for business.

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

10 Sec. 17. Sections 1 through 16 of this act shall become effective only if AN
11 ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION TO
12 PROVIDE FOR A GUBERNATORIAL VETO OF ENTIRE BILLS, A
13 GUBERNATORIAL LINE-ITEM VETO OF APPROPRIATIONS, AND TO ALLOW
14 THE GOVERNOR TO REDUCE AN APPROPRIATION RATHER THAN
15 REJECTING IT is ratified and the constitutional amendments proposed by Sections 1 and
16 2 of that act are approved as provided by Sections 3 and 4 of that act, and if so approved,
17 Sections 1 through 16 of this act shall become effective with respect to bills and joint
18 resolutions passed in either house of the General Assembly on or after January 1, 1996.

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