

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 43

Short Title: Veto Conforming Changes.

(Public)

Sponsors: Senators Cooper; Soles, Parnell, Hoyle, Kerr, Odom, Rand, Plexico, Plyler, and Lucas.

Referred to: Judiciary I/Constitution.

January 26, 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 of North Carolina; and

(2) To the Secretary of State of:

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

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

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

- 10           (1)   Any bill which has become law with the approval of the Governor as  
11                 provided by G.S. 120-29.2(a);  
12           (2)   Any bill which has become law without the approval of the Governor as  
13                 provided by G.S. 120-29.2(b); and  
14           (3)   Any bill which has become law notwithstanding the objections of the  
15                 Governor, as provided by G.S. 120-29.2(c).

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

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

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

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

29 **"§ 120-29.2. Approval of bills.**

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

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

41           This day of , Enrolling Clerk'.

42           (c) If the Governor returns any bill to the house of origin with his objections, the  
43 Governor shall write such objections on the measure or cause the objections to be

1 attached to the measure. When any such bill becomes law after reconsideration of the  
2 two houses, the presiding officers shall, below the objections of the Governor, sign the  
3 following certificate: 'Became law notwithstanding the objections of the Governor, .m.  
4 this day of , ' . The second of them to sign shall fill in the time. The enrolling  
5 clerk shall deposit the measure with the Secretary of State.'

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

7 **"§ 120-20. When acts take effect.**

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

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

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

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

19 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

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

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

26 **"§ 120-30.9E. Counties; County Attorney.**

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

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

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

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

37 **"§ 120-30.9F. Municipalities; municipal attorney.**

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

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

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

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

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

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

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

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

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

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

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

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

35           "**§ 97-31.1. Effective date of legislative changes in benefits.**

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

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

40           "(a) The Legislative Services Commission shall publish all laws and joint  
41           resolutions passed at each session of the General Assembly. The laws and joint  
42           resolutions shall be kept separate and indexed separately. Each volume shall contain a  
43           certificate from the Secretary of State stating that the volume was printed under the

1 direction of the Legislative Services Commission from ratified acts and resolutions on  
2 file in the Office of the Secretary of State. The Commission may publish the Session  
3 Laws and House and Senate Journals of extra and special sessions of the General  
4 Assembly in the same volume or volumes as those of regular sessions of the General  
5 Assembly. In printing, the signatures of the presiding officers and the Governor shall be  
6 omitted.

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

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

18 "**§ 120-133. Redistricting communications.**

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

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

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

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

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

1 ~~ratification of the incorporation act becomes law and ending 270 days after the effective~~  
2 ~~that date.~~"

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

4 **"§ 103-5. Acts to be done on Sunday or holidays.**

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

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

20 Sec. 17. Sections 1 through 16 of this act shall become effective only if AN  
21 ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION TO  
22 ESTABLISH A GUBERNATORIAL VETO is ratified and the constitutional  
23 amendments proposed by Sections 1 and 2 of that act are approved as provided by  
24 Sections 3 and 4 of that act, and if so approved, Sections 1 through 16 of this act shall  
25 become effective with respect to bills and joint resolutions passed in either house of the  
26 General Assembly on or after January 1, 1996.

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