

---

## Coates' Canons Blog: The Governor's Role in the Legislative Process

By Aimee Wall

Article: <https://canons.sog.unc.edu/governors-role-legislative-process/>

This entry was posted on January 11, 2017 and is filed under **General Local Government (Miscellaneous), Legislation**

---

Today the North Carolina General Assembly (NCGA) convenes for the 2017-18 biennium. With a Democrat as Governor and a strong Republican majority in the legislature, I have been reflecting on the dynamic that emerged when our state was in a similar situation in 2011-12. During that session, Governor Beverly Perdue vetoed a record 19 bills and the legislature voted to override 11 of her vetoes. By comparison, the combined number of bills vetoed by other Governors is 16, and only 5 of those were overridden. Many will be waiting to see if the state experiences a comparable political "conversation" between the legislative and executive branches this coming session.

This blog post answers some frequently asked questions about the Governor's authority to take action on legislation ratified by the legislature. It also includes details about subscribing to or renewing your subscription to the School's Legislative Reporting Service and a link to a fantastic new online learning tool called "How to Read a Bill."

### 1. Has the Governor always had a role in the legislative process?

No. In 1995, the NCGA passed legislation authorizing the voters to approve amendments to the state Constitution granting the Governor new authority to take action on legislation (S.L. 1995-5, amending Article 2, Section 22 of the Constitution). The voters subsequently approved those amendments and beginning in 1997, the Governor officially had a significant new role in the legislative process. North Carolina was the last state to provide the Governor with this type of authority.

### 2. What type of action may the Governor take?

After being presented with a bill that has been passed by the NCGA, the Governor may take one of three actions:

- sign the bill into law,
- veto the bill, or
- decline to either sign or veto the bill.

Each type of action is discussed in more detail below.

### 3. May the Governor take action on *any* bill enacted by the NCGA?

No. The Governor has authority to act on most bills, including any bill that contains an appropriation. There are, however, some types of bills that become law immediately after they are ratified. A bill is "ratified" after it is passed by both chambers of the NCGA and signed by the presiding officer of both chambers. The following types of bills become law after ratification:

- *Joint resolutions*
- *U.S. Constitution*: A bill that either (a) approves an amendment to the U.S. Constitution or (b) applies for a convention to propose amendments to the U.S. Constitution, as long as the bill does not address any other matters.
- *Appointments*: A bill that makes one or more appointments to public office, as long as the bill does not address any other matters. Note that the first bill ever vetoed was a bill appointing people to certain boards and commissions. This bill was subject to veto because it addressed issues that went beyond appointments, such as board composition and terms of appointments. S 1283 (2001-02 Session).
- *Local bills*: Most local bills (i.e., bills that apply in fewer than 15 counties). However, there are two important exceptions. The Governor retains the authority to take action on a local bill if it (1) extends the application of a previous law enacted during the same biennium so that the law applies to more than half of the counties, or (2) enacts a law identical in effect to another law or laws enacted during the same biennium that would result in the

---

law applying in more than half of the counties. Note that the Governor also retains the authority to take action on a bill that enacts a general law that is classified by population or other criteria. These approaches are sometimes referred to as "local bills" because they affect only certain areas of the state but they technically are not local bills and are therefore subject to the Governor's authority.

The Governor also does not have the authority to take action on a bill that addresses changes to the North Carolina Constitution. Specifically, if a bill (a) proposes a new state Constitution, (2) proposes revising the state Constitution, or (3) calls a convention of the people for the purpose of amending the state Constitution, the bill must be submitted to the voters for approval after being ratified by the NCGA. In order for this exception to apply, the bill must not address any other matters.

#### **4. What happens if the Governor signs a bill?**

If the Governor signs a bill, it becomes law and is assigned a Session Law number. The legislation may go into effect immediately or it may include a delayed effective date for some or all of its provisions.

#### **5. What happens if the Governor vetoes a bill?**

If the Governor vetoes a bill, the bill must be returned to the chamber of the NCGA where the bill was first introduced. When returning the bill, the Governor must include a veto message that explains the reason or reasons he or she refused to sign the bill. Once returned, the chamber is required to consider overriding the veto. The veto may be overridden if three-fifths of the members present and voting in both chambers vote to approve of the bill. Note that the majority required to override applies to those who are *present* and *voting*; in the past, some members have been absent for veto override votes. If the NCGA successfully overrides the veto, the bill becomes law. For historical information about vetoes, see this report compiled by the N.C. Legislative Library.

#### **6. How many days does the Governor have to take action on a bill after it is ratified by the NCGA?**

This depends on whether the NCGA is still in session or has adjourned. If the NCGA is in session, the Governor has 10 days to take action on a bill by either signing or vetoing it. The 10-day window begins as soon as the bill is "presented" to the Governor and the count includes weekends. The day of presentment is the next business day after the bill is ratified unless the legislature asks that it be presented sooner. If the NCGA has adjourned completely for the term ("Sine Die") or for more than 30 days, the Governor has a longer window of time (30 days or more) to take action. See examples set forth in Question 7, below.

#### **7. What happens if the Governor fails to take action during the applicable time period?**

In some states, a Governor has the option of exercising a "pocket veto." In this type of situation, a Governor will refuse to act on a bill within a certain period of time and, as a result, the bill is vetoed. This is not how the process works in North Carolina. Instead, if the Governor refuses to act on a bill within a certain period of time, the bill becomes law.

When the NCGA is in session, the Governor has 10 days to take action by either signing or vetoing the bill. If the Governor fails to take action during the 10-day window, the bill becomes law.

- *Example:* In 2011, a bill was presented to the Governor on June 16. The NCGA was still in session. The Governor did not sign or veto the bill by the end of the day on June 26 so it became law. "This bill having been presented to the Governor for signature on the 16th day of June, 2011 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law. This 27th day of June, 2011." (S.L. 2011-306).

As mentioned above, if the NCGA has adjourned Sine Die or for more than 30 days, the Governor has a longer window of time to take action. If the Governor fails to take action within 30 days after adjournment, the bill becomes law on the thirtieth day. Note that the 30-day window starts on the day of adjournment, not on the day the bill is presented to the Governor.

- *Example:* In 2016, the NCGA adjourned Sine Die on July 1, 2016 and a bill was presented to the Governor that

---

same day. The thirtieth day after adjournment was July 31. The Governor did not take action so the bill became law at the end of the day on July 31. "This bill having been presented to the Governor for signature on the 1st day of July, 2016 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law. This 1st day of August, 2016." (S.L. 2016-123). If the bill had been presented to the Governor on June 25, he still would have had until July 31 to take action.

If the Governor vetoes the bill during the 30-day window, he or she must return the bill to the chamber of origin with a veto message explaining the objections. The Governor is required to reconvene the NCGA to consider an override of the veto. During the reconvened session, legislators are limited to considering only the veto override; if legislators wish to modify the bill that was vetoed, or take up additional matters, they must be called into a separate extra session. If the Governor fails to reconvene the NCGA promptly, the bill becomes law on the fortieth day after adjournment. If a majority of members of each chamber informs the Governor in writing between the thirtieth and the fortieth day that it is not necessary to reconvene them, the Governor is *not* required to do so and the veto is sustained. The bill does *not* become law.

- *Example:* The Governor is presented with a ratified bill on July 1. The NCGA adjourns on July 2. The Governor vetoes the bill on July 30 (28 days after adjournment). The Governor must either (1) reconvene the NCGA before August 11 or (2) receive the required written messages from a majority of both chambers between August 1 and August 10 stating that it is not necessary to do so.

In 2009-10, Governor Perdue allowed 18 bills to become law without taking action. By comparison, other Governors have allowed no more than 6 bills to become law in this manner. For more information, see this detailed listing compiled by the N.C. Legislative Library.

## Stay Connected to the Legislative Process

If you haven't done so already, now is the time to subscribe or renew your subscription to the School of Government's Legislative Reporting Service (LRS). Our staff in Raleigh prepares summaries of bills, amendments, committee substitutes and conference reports and posts them online throughout the legislative day so you can keep track of new bills and changes that are underway. You can even flag bills that are of particular interest and track them in your "My Bills" folder and create personalized search reports using "My Monitors." Subscription information is available here. Remember that state and local government officials and employees are allowed to subscribe for free. Just contact the SOG Bookstore Manager for the coupon code. Discounts are also available for nonprofit organizations and members of the North Carolina Professional Lobbyists Association.

I'm also very excited to announce the rollout of a brand new resource for the public. Christine Wunsche, the LRS Director, took the lead on developing a self-paced online training module designed to help users interpret the unusual language and format used in North Carolina's legislation. It's called "How to Read a Bill" and it is the first part of a series we are developing called "Exploring North Carolina's Legislative Process." The module is available for free on the LRS website (see "Online Training Modules" on the right side). Please take a look and share with others who may be new to the legislative process.

## Links

- [ncleg.net/Sessions/1995/Bills/Senate/PDF/S3v3.pdf](http://ncleg.net/Sessions/1995/Bills/Senate/PDF/S3v3.pdf)
- [www.ncleg.net/Sessions/2001/Bills/Senate/PDF/S1283v6.pdf](http://www.ncleg.net/Sessions/2001/Bills/Senate/PDF/S1283v6.pdf)
- [www.ncleg.net/gascrpts/EnactedLegislation/ELTOC.pl?sType=Law](http://www.ncleg.net/gascrpts/EnactedLegislation/ELTOC.pl?sType=Law)
- [ncleg.net/library/Documents/VetoStats.pdf](http://ncleg.net/library/Documents/VetoStats.pdf)
- [www.ncleg.net/Sessions/2011/Bills/House/PDF/H342v5.pdf](http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H342v5.pdf)
- [www.ncleg.net/Sessions/2015/Bills/House/PDF/H805v7.pdf](http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H805v7.pdf)
- [ncleg.net/library/Documents/PresentedBillsNotSignedbyGov.pdf](http://ncleg.net/library/Documents/PresentedBillsNotSignedbyGov.pdf)
- [lrs.sog.unc.edu/lrs/subscription-rates](http://lrs.sog.unc.edu/lrs/subscription-rates)



- 
- [irs.sog.unc.edu/irs/contact-us](https://irs.sog.unc.edu/irs/contact-us)
  - [irs.sog.unc.edu/](https://irs.sog.unc.edu/)