

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 54-07 of the North Dakota
2 Century Code, relating to the duties of the governor; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 54-07 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Governor to receive bills.** The governor shall accept delivery of bills passed by the
7 legislative assembly and presented to the governor during regular business hours. The
8 governor may coordinate with the presiding officer of the senate or the presiding officer of the
9 house of representatives with respect to the delivery of senate or house bills outside normal
10 business hours or during times the governor anticipates being out of the office for more than
11 three legislative days.

12 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

NOTE: This bill draft addresses the issue whether the Governor may refuse to accept a bill presented for approval, and arose as a result of news stories concerning the Governor of Minnesota being unavailable to accept a bill enacted by the Minnesota Legislature.

A review of North Dakota law reveals no constitutional provisions specifically requiring the Governor to receive bills. Although North Dakota Century Section 54-07-01.5 requires the Governor to file bills with the Secretary of State, there is no similar provision requiring the Governor to receive bills presented by either house of the Legislative Assembly. Although no judicial opinion in North Dakota directly addresses the issue of when the Governor must receive a bill presented by the Legislative Assembly, court decisions in other states support the position that regular presentment to the Governor or Governor's staff constitutes delivery.

This statute is modeled after North Dakota Century Code Section 54-07-01.5, which requires the Governor to file bills with the Secretary of State. The provision for coordination of delivery to times when the Governor is available recognizes current practice. The length of three legislative days is the time during the legislative session when the Governor must act on a bill after its delivery, as provided by Article V, Section 9, of the Constitution of North Dakota. The discussion concerning this issue is

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Legislative Assembly

contained in the minutes of the March 11, 2002, meeting of the Legislative Management Committee.