

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota  
2 Century Code, relating to a poll of members of the legislative assembly for purposes of calling a  
3 reconvened legislative session; to amend and reenact sections 54-09-02 and 54-35-16 of the  
4 North Dakota Century Code, relating to the return by the secretary of state of vetoed legislation  
5 to the house of origin and the calling of a reconvened legislative session by the legislative  
6 management; and to declare an emergency.

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

8 **SECTION 1. AMENDMENT.** Section 54-09-02 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **54-09-02. Duties of secretary of state.**

11 In addition to the duties prescribed by the constitution, the secretary of state shall:

- 12 1. Receive bills and resolutions from every session of the legislative assembly, and shall  
13 perform such other duties as may devolve upon the secretary of state by resolution of  
14 the two houses, or either of them.
- 15 2. Upon the request of the secretary of the senate or the chief clerk of the house, return  
16 to the house of origin for reconsideration any legislation vetoed by the governor after  
17 the legislative assembly has adjourned sine die.
- 18 3. Keep a register of and attest the official acts of the governor.
- 19 3.4. Affix the great seal with the secretary of state's attestation to commissions and other  
20 public instruments to which the official signature of the governor is required.
- 21 4.5. Record and maintain records of all conveyances made to the state and all articles of  
22 incorporation filed in the secretary of state's office.
- 23 5.6. Maintain records for all books distributed by the secretary of state and direct the  
24 county auditor of each county to do the same as provided by law.

- 1     ~~6-7.~~   Furnish on demand to persons paying the fees therefor a certified copy of all or any  
2           part of any law, record, or other instrument filed, deposited, or recorded in the  
3           secretary of state's office.
- 4     ~~7-8.~~   Keep records of all the fees, commissions, and compensation of whatever nature or  
5           kind earned, collected, or charged by the secretary of state, with the date, name of  
6           payer, and the nature of the services in each case.
- 7     ~~8-9.~~   Biennially report to the governor with copies filed in the secretary of state's office as  
8           prescribed by section 54-06-04 all moneys received from any source for services  
9           performed and accompany the report with a detailed statement under oath of the  
10          manner in which the appropriations for the secretary of state's office have been  
11          expended during the preceding two fiscal years.
- 12    ~~9-10.~~ Immediately after the laws, resolutions, and journals of the legislative assembly are  
13          bound, distribute the laws, resolutions, and journals to the persons entitled thereto by  
14          law or rules of the senate and house of representatives.
- 15    ~~10-11.~~ Keep records of cities as prescribed by law.
- 16    ~~11-12.~~ Indicate on each bill passed by the legislative assembly the date of filing in the  
17          secretary of state's office.
- 18    ~~12-13.~~ Perform all other duties as are prescribed by law.

19        **SECTION 2. AMENDMENT.** Section 54-35-16 of the North Dakota Century Code is  
20    amended and reenacted as follows:

21        **54-35-16. Authority to determine if and when legislative assembly meets.**

22    The

- 23        1. After the legislative assembly has adjourned under subsection 2 of section 54-03-02,  
24        the legislative management may:
- 25           a. May issue a call for the legislative assembly to convene after it has adjourned-  
26           under subsection 2 of section 54-03-02 for any purpose.
- 27           b. Shall issue a call for the legislative assembly to convene if two-thirds of the  
28           members of the legislative assembly respond in the affirmative to a poll  
29           conducted under section 3 of this Act.

1        2. The length of a legislative session called under this section may not exceed the  
2                    number of natural days available under the constitution which have not been used by  
3                    that legislative assembly.

4        3. The legislative management may exercise this authority, and the legislative assembly  
5                    shall meet, regardless of whether the motion to close the regular session of the  
6                    legislative assembly was to recess to a time certain, adjourn to a time certain, or  
7                    adjourn sine die.

8        **SECTION 3.** A new section to chapter 54-35 of the North Dakota Century Code is created  
9 and enacted as follows:

10        **Legislative council to poll members following receipt of post-adjournment veto.**

11        1. If any full or item vetoes are issued by the governor after the legislative assembly has  
12                    adjourned sine die and the legislative assembly has legislative days remaining, the  
13                    legislative council shall poll each member of the legislative assembly regarding the  
14                    member's desire to return for a reconvened session to reconsider any of the vetoed  
15                    legislation.

16        2. The poll must be sent to members twenty-one days after the legislative assembly has  
17                    adjourned sine die and include a copy of each statement of objections issued by the  
18                    governor after the legislative assembly adjourned sine die and a copy of the marked  
19                    up bill that accompanied an item veto.

20        3. The legislative council shall direct members to reply to the poll within seven days of  
21                    receipt of the poll.

22        4. After the close of the polling period, the legislative council shall forward the results of  
23                    the poll to the chairman of the legislative management.

24        5. If responses in favor of reconvening are submitted by two-thirds of the members of the  
25                    legislative assembly, the legislative management shall meet to select a date for the  
26                    legislative assembly to reconvene.

27        **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.