

PROPOSED AMENDMENTS TO JOINT RULE 209

1       **SECTION 1. AMENDMENT.** Joint Rule 209 is amended as follows:

2       **209. RETURN OF VETOED BILLS WITH OBJECTIONS.** When the Governor vetoes

3 a bill that must be returned within three legislative days, ~~Sundays excepted~~, after presentation  
4 delivery to the Governor, the bill must be returned to the Secretary of the Senate if a Senate bill  
5 or to the Chief Clerk of the House if a House bill, together with the objections to the bill. The  
6 Secretary of the Senate and Chief Clerk of the House may each designate an employee of the  
7 respective chamber for receipt of vetoed bills and objections. If the Secretary of the Senate or  
8 Chief Clerk of the House or the designated legislative employee, as appropriate, is not  
9 available to receive the vetoed bill and objections, the director of the Legislative Council or a  
10 Legislative Council employee designated by the director may receive the vetoed bill and the  
11 objections as the representative of the appropriate house. ~~As used in this rule, "within three~~  
12 ~~days" means within three calendar days, Sundays excepted, after the day of presentation to the~~  
13 ~~Governor.~~

**NOTE:** This rules amendment recognizes the new executive article provision on gubernatorial vetoes effective July 1, 1997. Rather than "three days, Sundays excepted," under the former Section 9, the new Section 9 of Article V of the Constitution of North Dakota provides "three legislative days" as the timeframe within which the Governor must return a vetoed bill while the Legislative Assembly is in session.

Section 9 also raises issues regarding the procedure for "returning" or "filing" vetoed items or bills. The former Section 9 provided for filing measures vetoed after adjournment with the Secretary of State. The current Section 9 only refers to "returning" vetoed measures to the house of origin for entry of the Governor's objections in the journal. A question is whether this procedure applies to measures vetoed after adjournment. Also, the current wording of North Dakota Century Code Section 54-07-01.5, enacted in 1987, requires the Governor to file bills with the Secretary of State, but the timeframes are based on the previous 3-day and 15-day formulas.