

Introduced by

1 A BILL for an Act to amend and reenact section 54-07-01.5 of the North Dakota Century Code,
2 relating to the filing of bills enacted by the Legislative Assembly.

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

4 **SECTION 1. AMENDMENT.** Section 54-07-01.5 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-07-01.5. Governor to file bills with secretary of state.** The governor shall cause
7 each bill passed by the legislative assembly and not vetoed by the governor to be filed with the
8 secretary of state within five legislative days, ~~Sundays excepted~~, after the bill has been
9 ~~presented~~ delivered to the governor ~~unless~~. ~~If the legislative assembly by its adjournment~~
10 ~~prevents its return in which case is not in session~~, the governor shall cause ~~the~~ each bill
11 delivered to the governor to be filed with the secretary of state within fifteen days, Saturdays
12 and Sundays excepted, after ~~the adjournment~~ delivery of the bill to the governor.

NOTE: The new executive branch article of the Constitution of North Dakota approved in 1996 and effective July 1, 1997, changed the time a governor has to sign or veto legislation:

	Before 1997	Current Article V, Section 9
During Session	3 days (Sundays excepted) after bills are presented to the Governor	3 legislative days after bills are delivered to the Governor
After Session	15 days after adjournment	15 days, Saturdays and Sundays excepted, after bills are delivered to the Governor

The changes considerably increase the time a governor has to sign or veto bills. While a governor used to have a maximum of four days during a session to sign or veto a bill, under the new language a governor might have an indeterminate amount of time. For example, during the 1999 legislative session, the 32nd legislative day was Wednesday, February 17, and the 33rd legislative day was Wednesday, February 24. If a bill had

been presented to the Governor on February 17, the Governor would have had until Friday, February 26, to sign or veto the bill, which is nine calendar days.

The new executive branch article has also substantially increased the amount of time a governor has to sign or veto bills after a session. Under the former language, a governor had exactly 15 days after adjournment to process bills. The new language does not start counting days until the bills are delivered to the Governor, then Saturdays and Sundays are not counted.

Although the executive branch article addresses the time a governor has to sign or veto bills, the only requirement relating to the time available to a governor to file a bill with the Secretary of State was in former Section 9 of Article V, which required vetoes to be filed within 15 days after adjournment. The new executive branch article says nothing about when bills must be filed with the Secretary of State.

North Dakota Century Code Section 54-07-05.1 resulted from a recommendation of the Legislative Procedure and Arrangements Committee during the 1985-86 interim. The time periods for filing coincided with the time allowed the Governor under the Constitution to veto a bill, but allowed a governor two additional days during sessions to file bills with the Secretary of State. As the constitutional provisions have now been changed, this bill draft has been prepared to reflect the current constitutional timeframes.

The proposed amendment to the last sentence addresses the void under the Constitution of North Dakota Article V, Section 9, with respect to delivery of bills vetoed after adjournment. All bills, regardless of whether signed, unsigned, or vetoed, would have to be filed with the Secretary of State.

The committee may wish to revisit the timeframes for filing bills in light of the impact of computerization on the preparation of enrolled bills.

Before the Legislative Council started enrolling bills in 1979, many bills were not delivered to the Governor until the 14th or 15th day after adjournment because it took that long to manually retype the bills, e.g., in 1977, 146 bills were delivered to the Governor after adjournment. Under current procedures, the Legislative Council staff completes enrolling bills on the day of adjournment (usually, only one or two bills need to be enrolled by the time the Legislative Assembly adjourns). The date of actual delivery of a bill to the Governor depends on when the presiding officers are available to sign the enrolled bills. Usually, the presiding officers are available the day after the session, but there has been an instance when a presiding officer was not available for almost a week after adjournment. In 1999, the Legislative Assembly adjourned Saturday, April 17. The last bill was enrolled within two hours after adjournment. Twelve House bills and one Senate bill were delivered to the Governor after adjournment (actual delivery was on April 19) and the Governor completed action within four days after delivery (six days after adjournment). Including bills delivered before adjournment, 13 bills were signed on April 19; six bills were signed on April 20; 12 bills were signed on April 22; and two bills were signed on April 23.

North Dakota Century Code Section 46-03-15 requires the Session Laws to contain the date of approval of each bill by the Governor and the date of filing of each bill with the Secretary of State. Thus, the Session Laws cannot be finalized until the Governor has taken final action on every bill and every bill has been filed with the Secretary of State.