

45-304. Veto by governor; return to house of origin; reconsideration by legislature; procedure upon passage over veto; publication. (a) If the governor does not approve any enrolled bill which is presented to him or her, he or she shall return such enrolled bill, with the governor's veto message, to the house of origin of the bill. A copy of such veto message shall also be delivered to the secretary of state. In all such cases the house of origin of the bill shall enter such veto message in its journal. In all such cases the house of origin shall proceed to reconsider the bill returned by the governor in not more than thirty (30) calendar days (excluding the day received).

(b) If after reconsideration of any bill which has been returned by the governor, two-thirds of the members then elected (or appointed) and qualified to the house of origin shall vote to pass the bill, it shall be sent, with the governor's veto message, to the other house, by which it shall also be reconsidered in not more than thirty (30) calendar days (excluding the day received). Thereupon if such bill is approved by two-thirds of the members then elected (or appointed) and qualified, it shall become law. In all cases to which this subsection applies, the affirmative and negative votes shall be entered upon the journals of each house.

(c) In the event that any bill is reconsidered and approved by the house of origin after being returned with veto message from the governor, but is not approved by the other house after reconsideration, then such bill shall not become law. Thereupon the secretary or chief clerk of such other house shall prepare a certificate of the failure of such bill, the same to be signed by the secretary and president of the senate or chief clerk and speaker of the house of representatives, as the case may be. One copy of such certificate shall be appended to the bill to which it applies, and one copy shall be transmitted to the other house and one copy shall be transmitted to the secretary of state.

(d) If after reconsideration of any bill which has been returned by the governor, with his or her veto message, two-thirds of the members then elected (or appointed) and qualified to the house of origin do not agree to pass the bill such bill shall be sent, with the governor's veto message and with a message from the house of origin which states the action of the house of origin thereon. Thereupon, such bill shall not be considered in the other house, but the message of the house of origin and the veto message of the governor, shall be entered in the journal of the other house.

(e) Upon approval of any enrolled bill as provided in this section, the secretary of the senate or the chief clerk of the other house shall prepare a certificate to accompany such enrolled bill. Such certificate shall state that the enrolled bill has been passed notwithstanding the veto of the governor and shall be signed by the secretary and president of the senate and the chief clerk and speaker of the house of representatives. Thereupon the chief clerk of the house of representatives or the secretary of the senate shall deliver such enrolled bill, together with such certificate, to the secretary of state.

Whenever any bill is to become law under the circumstances specified in this section, the secretary of state shall cause publication to be made thereof as though the enrolled bill had been signed by the governor.

History: L. 1969, ch. 249, § 4; L. 1975, ch. 265, §4; Feb. 3.