



2005 SENATE JOINT RESOLUTION 35

September 7, 2005 – Introduced by Senators REYNOLDS and LAZICH, cosponsored by Representative LOTHIAN. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

1 **To amend** section 1 of article IV and section 17 (2) of article IV; and **to create** section
2 35 of article IV of the constitution; **relating to:** providing for the approval or
3 rejection of gubernatorial vetoes by the people by referendum (first
4 consideration).

Analysis by the Legislative Reference Bureau

Currently, under the constitution, the power to enact state laws is vested solely in the senate and assembly, subject to rejection by the governor pursuant to his veto or partial veto authority. A law may be enacted only by bill passed by a majority of the members present in each house, unless the governor rejects the bill, in which case the approval of two-thirds of the members present in each house is required for enactment. Currently, under the constitution, the power of the electors to approve or reject state laws is limited to: 1) extending the right of suffrage to additional classes of persons; 2) authorizing the legislature to exceed the constitutional state general obligation bonding limit; 3) dividing a county of less than 900 square miles; and 4) removing a county seat. In addition, the electors must approve amendments to the constitution and the calling of constitutional conventions.

This proposed constitutional amendment, proposed to the 2005 legislature on first consideration, reserves to the people, for use at their option, the power to approve or reject at the polls, by referendum, rejections by the governor of whole acts or whole, or parts of, appropriation acts. The referendum does not decrease the authority of the legislature to enact laws, but it subjects laws, other than emergency laws, to the power of the people to approve or reject at the polls rejections by the governor of whole acts or whole, or parts of, appropriation acts.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

1 ***Resolved by the senate, the assembly concurring, That:***

2 **SECTION 1.** Section 1 of article IV of the constitution is amended to read:

3 [Article IV] Section 1. The legislative power of this state shall be vested in a
4 senate and assembly, but, subject to other provisions of this constitution, the people
5 reserve to themselves the power to approve or reject at the polls, by referendum,
6 rejections by the governor of whole acts or whole, or parts of, appropriation acts.

7 **SECTION 2.** Section 17 (2) of article IV of the constitution is amended to read:

8 [Article IV] Section 17 (2) No law shall be enacted except by bill. No law shall
9 be in force until published. No law shall be in force before the first January 1 or July
10 1 occurring at least 90 days after enactment of the law, except a law that requires an
11 earlier date to preserve the public peace, health, or safety; that states in a separate
12 section the emergency and the reasons for the earlier date; and that is passed by a
13 two-thirds vote of all the members elected to each house of the legislature.

14 **SECTION 3.** Section 35 of article IV of the constitution is created to read:

15 [Article IV] Section 35 (1) The legislature may order a referendum, except as
16 to laws necessary for the immediate preservation of the public peace, health, or
17 safety and appropriations for the support and maintenance of the existing state
18 departments and institutions, against a rejection by the governor pursuant to section
19 10 of article V of a whole act or whole, or part of, an appropriation act passed by the
20 legislature, if the rejected whole act or whole, or part of, an appropriation act has not
21 become law pursuant to section 10 of article V.

22 (2) If a majority of the electors voting upon the referendum submitted at the
23 election votes disapproval of the rejection by the governor of the whole act or whole,

1 or part of, the appropriation act, the whole act or whole, or part of, the appropriation
2 act becomes law notwithstanding the objections of the governor. If a majority of the
3 electors vote approval of the rejection by the governor of the whole act or whole, or
4 part of, the appropriation act, the whole act or whole, or part of, the appropriation
5 act is void.

6 **SECTION 4. Numbering of new provision.** The new section 35 of article IV
7 of the constitution created in this joint resolution shall be designated by the next
8 higher open whole section number in that article if, before the ratification by the
9 people of the amendment proposed in this joint resolution, any other ratified
10 amendment has created a section 35 of article IV of the constitution of this state. If
11 one or more joint resolutions create a section 35 of article IV simultaneously with the
12 ratification by the people of the amendment proposed in this joint resolution, the
13 sections created shall be numbered and placed in a sequence so that the sections
14 created by the joint resolution having the lowest enrolled joint resolution number
15 have the numbers designated in that joint resolution and the sections created by the
16 other joint resolutions have numbers that are in the same ascending order as are the
17 numbers of the enrolled joint resolutions creating the sections.

18 ***Be it further resolved, That*** this proposed amendment be referred to the
19 legislature to be chosen at the next general election and that it be published for 3
20 months previous to the time of holding such election.

21 (END)