



# SENATE JOINT RESOLUTION No. 4

## DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article 5 of the Constitution of the State of Indiana.

**Synopsis:** Governor's veto authority. Amendatory veto. Authorizes the governor to return a bill to the general assembly with proposed amendments as an alternative to signing the bill, vetoing the bill, or filling the bill without a signature. Provides that the general assembly may pass the bill: (1) as the governor proposes to amend the bill; or (2) as originally passed. Provides that if either house of the general assembly does not pass the bill as proposed to be amended or as originally passed, the bill does not become law.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

### Banks, Kruse

January 7, 2013, read first time and referred to Committee on Rules and Legislative Procedure.

C  
O  
P  
Y



Introduced

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

C  
O  
P  
Y

## SENATE JOINT RESOLUTION No. 4

A JOINT RESOLUTION proposing an amendment to Article 5 of the Constitution of the State of Indiana concerning the general assembly.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. The following amendment to the Constitution of the  
2 State of Indiana is proposed and agreed to by this, the One Hundred  
3 Eighteenth General Assembly of the State of Indiana, and is referred to  
4 the next General Assembly for reconsideration and agreement.  
5 SECTION 2. ARTICLE 5, SECTION 14 OF THE CONSTITUTION  
6 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
7 FOLLOWS: Section 14. (a) Every bill which ~~shall have~~ **has** passed the  
8 General Assembly shall be presented to the Governor. The Governor  
9 shall have seven days after the day of presentment to act upon such bill  
10 as follows:  
11 (1) ~~He~~ **The Governor** may sign it, ~~in which event it shall become~~  
12 **the bill. If the Governor signs the bill, it becomes** a law.



- 1 (2) ~~He~~ **The Governor** may veto ~~it~~: **the bill**.
- 2 (A) ~~In the event of a veto~~ **If the Governor vetoes the bill**
- 3 while the General Assembly is in session, ~~he~~ **the Governor**
- 4 shall return ~~such~~ **the bill**, with ~~his~~ **the Governor's** objections,
- 5 within seven days of presentment, to the House in which it
- 6 originated. If the Governor does not return the bill within
- 7 seven days of presentment, the bill becomes a law
- 8 notwithstanding the veto.
- 9 (B) If the Governor returns the bill under clause (A), the
- 10 House in which the bill originated shall enter the Governor's
- 11 objections at large upon its journals and proceed to reconsider
- 12 and vote upon whether to approve the bill. The bill must be
- 13 reconsidered and voted upon within the time set out in clause
- 14 (C). If, after such reconsideration and vote, a majority of all
- 15 the members elected to that House ~~shall approve~~ **approves** the
- 16 bill, it shall be sent, with the Governor's objections, to the
- 17 other House, by which it shall likewise be reconsidered and
- 18 voted upon, and, if approved by a majority of all the members
- 19 elected to that House, ~~it shall be~~ **the bill becomes** a law.
- 20 (C) If the Governor returns the bill under clause (A), the
- 21 General Assembly shall reconsider and vote upon the approval
- 22 of the bill before the final adjournment of the next regular
- 23 session of the General Assembly that follows the regular or
- 24 special session in which the bill was originally passed. If the
- 25 House in which the bill originated does not approve the bill
- 26 under clause (B), the other House is not required to reconsider
- 27 and vote upon the approval of the bill. If, after voting, either
- 28 House fails to approve the bill within this time, the veto is
- 29 sustained.
- 30 (D) ~~In the event of a veto~~ **If the Governor vetoes a bill** after
- 31 final adjournment of a session of the General Assembly, ~~such~~
- 32 **the bill** shall be returned by the Governor to the House in
- 33 which it originated on the first day that the General Assembly
- 34 is in session after such adjournment, which House shall
- 35 proceed in the same manner as with a bill vetoed before
- 36 adjournment. The bill must be reconsidered and voted upon
- 37 within the time set out in clause (C). If ~~such~~ **the bill** is not so
- 38 returned, it ~~shall be~~ **becomes** a law notwithstanding ~~such~~ **the**
- 39 veto.
- 40 (3) ~~He may refuse to sign or veto such bill in which event it shall~~
- 41 ~~become~~ **If the Governor does not sign or veto the bill before**
- 42 **the eighth day after it is presented to the Governor, the bill**

C  
o  
p  
y

1 becomes a law without his the Governor's signature on the  
2 eighth day after presentment to the Governor.

3 **(4) The Governor may return the bill, with such amendments**  
4 **to the bill, that if made to the bill, the Governor would**  
5 **approve the bill.**

6 **(A) If the Governor wishes to act under this subdivision**  
7 **while the General Assembly is in session, the Governor**  
8 **must return the bill, with a statement of the Governor's**  
9 **objections and proposed amendments, to the House in**  
10 **which the bill originated, within seven days of**  
11 **presentment. If the Governor does not return the bill with**  
12 **objections and proposed amendments, within seven days of**  
13 **presentment, the bill becomes a law as originally passed,**  
14 **notwithstanding the Governor's objections and proposed**  
15 **amendments.**

16 **(B) If the Governor returns the bill under clause (A), the**  
17 **House in which the bill originated shall enter the**  
18 **Governor's objections and proposed amendments at large**  
19 **upon its journals and proceed to reconsider and vote upon**  
20 **whether to approve the bill as:**

21 **(i) proposed to be amended; or**

22 **(ii) originally passed.**

23 **The bill must be reconsidered and voted upon under this**  
24 **clause within the time set out in clause (E).**

25 **(C) If, after reconsideration and vote, a majority of all the**  
26 **members elected to that House approve the bill as**  
27 **proposed to be amended, the bill shall be sent, with the**  
28 **Governor's objections and proposed amendments, to the**  
29 **other House, by which the bill shall likewise be**  
30 **reconsidered and voted upon. If a majority of all the**  
31 **members elected to the other House approve the bill as**  
32 **proposed to be amended, the bill shall be a law as proposed**  
33 **to be amended.**

34 **(D) If, after reconsideration and vote, a majority of all the**  
35 **members elected to that House approves the bill as**  
36 **originally passed, the bill shall be sent, with the Governor's**  
37 **objections, to the other House, by which the bill shall**  
38 **likewise be reconsidered and voted upon. If a majority of**  
39 **all the members elected to the other House approve the bill**  
40 **as originally passed, the bill becomes a law as originally**  
41 **passed.**

42 **(E) If the Governor returns the bill under clause (A), the**

C  
O  
P  
Y



1           **General Assembly shall reconsider and vote upon the**  
 2           **approval of the bill before the final adjournment of the**  
 3           **next regular session of the General Assembly that follows**  
 4           **the regular or special session in which the bill was**  
 5           **originally passed. If the House in which the bill originated**  
 6           **does not approve the bill under clause (C) or (D), the other**  
 7           **House is not required to reconsider and vote upon the**  
 8           **approval of the bill. If, within this time, either House fails**  
 9           **to approve the bill, as proposed to be amended or as**  
 10           **originally passed, the bill does not become law.**

11           **(F) If the Governor acts under this subdivision after final**  
 12           **adjournment of a session of the General Assembly, the bill,**  
 13           **with objections and proposed amendments, shall be**  
 14           **returned by the Governor to the House in which it**  
 15           **originated on the first day that the General Assembly is in**  
 16           **session after such adjournment, which House shall proceed**  
 17           **in the same manner as with a bill returned under clause**  
 18           **(A) before adjournment. The bill must be reconsidered and**  
 19           **voted upon as provided in this subdivision within the time**  
 20           **set out in clause (E). If the Governor does not return the**  
 21           **bill as provided in this clause, it becomes a law as**  
 22           **originally passed, notwithstanding the Governor's**  
 23           **objections.**

24           (b) Every bill presented to the Governor which is ~~signed by him~~ **the**  
 25           **Governor signs** or on which ~~he~~ **the Governor** fails to act within ~~said~~  
 26           seven days after presentment shall be filed with the Secretary of State  
 27           within ten days of presentment. The failure to so file ~~shall~~ **does** not  
 28           prevent ~~such a~~ **the** bill from becoming a law.

29           (c) ~~In the event~~ **If** a bill is passed:

- 30           (1) over the Governor's veto, ~~such~~ **under subsection (a)(2); or**  
 31           (2) **under subsection (a)(4);**

32           **the** bill shall be filed with the Secretary of State without further  
 33           presentment to the Governor. ~~provided that, in the event of such~~  
 34           **passage**

35           (d) **If a bill is passed:**

- 36           (1) over the Governor's veto **under subsection (a)(2); or**  
 37           (2) **under subsection (a)(4);**

38           in the next succeeding General Assembly, the passage ~~shall be deemed~~  
 39           **is considered** to have been the action of the General Assembly which  
 40           initially passed ~~such~~ **the** bill.

C  
o  
p  
y

