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Section 11. BILLS PRESENTED TO GOVERNOR - VETO - RETURN

Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If then two-thirds of the members elected agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by ayes and noes, to be entered upon the journal. If any bill shall not be returned by the governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly shall by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state, within thirty days after such adjournment, or else become a law.

History

SOURCE:

Entire article added, effective August 1, 1876, see L. 1877, p. 35.

Annotations

Case Notes

ANNOTATION

Purpose of returning vetoed bills to house of origin. The purpose behind the provision of this section requiring the executive to return a vetoed bill to the house of origin is to insure that the legislative branch shall have suitable

opportunity to consider the governor's objections to bills and on such consideration to pass them over his veto, provided there are the requisite votes to do so. In re Interrogatories of Colo. Senate, 195 Colo. 220, 578 P.2d 216 (1978).

General rule of computation of time. In the computation of time prescribed by constitutional or statutory provisions for the performance of official acts, the general rule is that fractions of a day are not to be noticed, but each fraction is to be considered in the computation as a full day. In re Senate Resolution, 9 Colo. 632, 21 P. 475 (1886).

When the law requires an act to be performed within a given number of days from a day mentioned, the rule is to include one of the two days mentioned and to exclude the other. In re Senate Resolution, 9 Colo. 632, 21 P. 475 (1886).

This constitutional provision does not exclude Sunday from 10 days allowed the governor for consideration and return of bills presented to him by the general assembly. If Sunday intervenes between the day of presentation and the return day of the bill, it would legally constitute one of the 10 days. In re Senate Resolution, 9 Colo. 632, 21 P. 475 (1886).

But when return day Sunday, return may be made Monday. Where it happened that the return day fell upon Sunday, and, the general assembly not being in session upon that day, no opportunity was afforded to the governor to communicate with that body, having, by virtue of the constitutional provision, 10 days within which to return the bill, it follows from reason and principle that the return day was continued by operation of law until Monday. In re Senate Resolution, 9 Colo. 632, 21 P. 475 (1886); Elliott Co. v. Courtright Publ'g Co., 67 Colo. 449, 182 P. 882 (1919).

Veto following adjournment ineffective unless bills and objections filed. Without required filing of bills and objections with secretary of state within the 30-day period following adjournment of the general assembly, a governor's veto, and public announcement thereof, has no effect and the bills become law. In re Interrogatories of Governor Regarding Certain Bills, 195 Colo. 198, 578 P.2d 200 (1978).

Where governor's signature is necessary for bill to become law, the date of passage for the statute was the date the governor signed the bill. People v. Wu, 894 P.2d 40 (Colo. App. 1995).

Effective date provision limited to when act "becomes law" prior to effective date. The language in § 19 of art. V of this constitution to the effect that a legislative act "shall take effect on the date stated in the act", is limited to the situation in which the act "becomes a law" pursuant to this section prior to the stated effective date. People v. Glenn, 200 Colo. 416, 615 P.2d 700 (1980).

No constitutional prohibition prevents different effective dates for different portions of same act. Because the effective date stated in an act and the date a bill becomes a law are not necessarily identical, nothing in the constitution prevents different portions of the same act from taking effect on different dates. Tacorante v. People, 624 P.2d 1324 (Colo. 1981).

Bill passed by general assembly held to violate "single subject" requirement of article V, section 21 of this constitution and to intrude on the governor's ability to exercise veto power under this section. In re House Bill No. 1353, 738 P.2d 371 (Colo. 1987).

Where governor asserted that the general assembly infringed on his power to veto a legislative act, an interest protected by the constitution, he alleged a wrong that constituted an injury in fact to the governor's legally protected interest in his constitutional power to veto provisions of an appropriations bill and, therefore, he had standing to bring action. Romer v. Colo. Gen. Assembly, 810 P.2d 215 (Colo. 1991).

Writing the words "disapproved and vetoed" on a bill without a veto message is insufficient to comply with this section. This section requires that the governor return bills to be vetoed with his objections so that such objections may be considered by the legislative house of origin. Because the words "disapproved and vetoed" fail to set forth such objections, they are not adequate to effect a valid veto. Romer v. Colo. Gen. Assembly, 840 P.2d 1081 (Colo. 1992).

Once the governor purported to veto the footnotes and headnotes on the appropriations bill, the legislature could respond in one of two ways: Either attempt an override by a two-thirds majority vote or bring an action in a court of competent jurisdiction contesting the validity of the governor's vetoes. Romer v. Colo. Gen. Assembly, 810 P.2d 215 (Colo. 1991).

Since there was no proper override or challenge and because the legislature chose instead to simply ignore the vetoes and demand that the footnotes and headnotes be treated as duly enacted law, it acted outside the sphere of legitimate legislative activity, and the vetoes are presumed to be valid. Romer v. Colo. Gen. Assembly, 810 P.2d 215 (Colo. 1991).

The plain language of this section requires that reasons setting forth the basis for the governor's objection be stated in the governor's objections filed with the secretary of state. Thus, objections filed with the secretary of state with the language, "disapproved and vetoed" were insufficient and therefore, the governor's vetoes of bills containing such language were invalid. Romer v. Colo. Gen. Assembly, 840 P.2d 1081 (Colo. 1992).

Applied in Carstens v. Lamm, 543 F. Supp. 68 (D. Colo. 1982).

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