
Making Laws is a series of publications that explain the lawmaking process of the Minnesota Legislature. This work is the fifth in the series and discusses the governor's role in reviewing bills passed by the legislature. Please see the list at the end for other works in this series.

Executive Summary

The constitution does not allow the legislature to make law on its own. With few exceptions, the legislature must present each of its actions to the governor for review.

Enrollment and Presentment. After achieving bicameral agreement on a bill, the legislature must enroll the bill, making it into an act of the legislature, and then present the act to the governor.

Time Allowed for Gubernatorial Review. The constitution gives the governor a limited time, a certain number of days, to respond to an act presented by the legislature.

Governor's Options. The constitution gives the governor three choices for responding to an act:

- **Approval.** If the governor approves the act by signing it within the constitutionally specified period, the act becomes a law.
- **Disapproval.** If the governor disapproves the legislation by vetoing it within the constitutionally specified period, the legislation does not become law, unless the legislature overrides the veto.
- **Inaction.** If the governor does nothing, neither approves nor vetoes, but instead retains the act for longer than the constitutionally specified period, the act may or may not become law, depending on when during the session the legislature passed the bill and whether the legislature remains in session when the review period expires.

Veto Override. If the governor vetoes within the period allowed while the legislature remains in session, the legislature may override the veto by passing the legislation once more, this time by an extraordinary majority (two-thirds) of each house. The effect is to make law despite the objections of the governor.

Procedural Effect of the Time of Passage. These exchanges between the legislature and the governor may be organized and understood in another way—according to when an act passes the legislature. The constitution prescribes different procedures and effects for bills that pass the legislature “during the last three days of a session” than for bills that pass earlier in a session.

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Enrollment and Presentment

After the two houses pass the same bill in identical form, as required by the constitution, the constitution directs the legislature to:

- Enroll the bill, which transforms it physically into an act of the legislature, and
- Present the act to the governor, who has the constitutional authority to approve, reject, or acquiesce.

The Revisor of Statutes, a joint legislative staff office, performs these functions as an agent of the legislature.

The legislature enrolls the bill, which transforms it into an act

After a bill passes both houses in the required manner, the constitution requires that the bill be enrolled by the legislature before it is presented to the governor for review. Enrolling a bill transforms a bill for an act into an act—from a proposal **to** the legislature into a proposal **of** the legislature.

The resulting document, called an enrollment, is an accurate copy of a bill as it passed both houses of the legislature. The enrollment is printed on archive-quality paper with places for the signatures of legislative and executive officials. Each enrollment is given a number in order of passage; this later becomes the chapter number of the act in the published session laws for that year.

Before it leaves the legislature’s hands, the enrollment is signed by two elected officers of each house: the speaker and chief clerk of the House, and the president and secretary of the Senate.

The legislature presents the act to the governor for review

The constitution requires the legislature to present each enrolled act to the governor.

When to present an act is a decision of the legislature, within limits set by the constitution. Normally there is no reason for delay, so the legislature presents the act as soon as practical after passing it. If the legislature ever were tempted to delay, the constitution establishes the outer limits—in the form of two presentation deadlines. Which of the two applies depends on when the act passed the legislature—whether before or during “the last three days of a session.”

- **If the act passed before the last three days of a session**—The legislature must present it before the legislature adjourns the session *sine die*.
- **If the act passed during the last three days of a session**—The legislature must present it by the end of the third calendar day after the day that the legislature adjourns *sine die*.

Time Allowed for Gubernatorial Review

The constitution gives the governor a certain number of days to respond to an act presented by the legislature. The time allowed by the constitution depends on when the act passed the legislature—whether before or during “the last three days of a session.”

- **If the act passed before the last three days of a session**—The governor has three calendar days to review it after the day it is presented. Sunday does not count as one of the three days.
- **If the act passed during the last three days of a session**—The governor has 14 calendar days, including Sundays, to review it after the day that the legislature adjourns *sine die* (not the day the act is presented). The governor’s review period may be reduced by as much as three days (to 11 days), because the legislature is allowed three days after the day of adjournment to present the act. Conversely, the period can be lengthened by as much as three days (to 17 days), if the legislature presents the act during the last three days before it adjourns the session.

Governor's Options

The constitution gives the governor three choices for responding to an act presented by the legislature.

Option 1: The governor may sign the legislation within the time allowed

If the governor signs the act in the time allowed, it becomes a law. It is said to be enacted.¹ After signing, the governor is required to deposit the act, now a law, in the office of the secretary of state and to notify the legislature.²

Option 2: The governor may veto the legislation within the time allowed

The constitution allows the governor to disapprove—to “veto”—most legislation.³

Return veto

The governor vetoes an act by returning it to the house of origin, with a message explaining the reason for the veto.⁴ This is called a return veto. The governor must return the act in the time allowed by the constitution for gubernatorial review and while the legislature is still in session (that is, before it adjourns *sine die*). The governor also is required by law to deposit a notice in the Office of the Secretary of State indicating the chapter number of the vetoed act.

Item veto

A variation on the return veto is the item veto. If an act contains “several items of appropriation of money,” the constitution allows the governor to sign the act while vetoing one or more of the items of appropriation.⁵ The governor vetoes an item of

¹ A law does not necessarily take effect when it is enacted. A law takes effect on a date specified in the law itself or, in the absence of a specification in the law, on a date prescribed by general law. General law prescribes three effective dates for laws, depending on the character of the law: a law with an appropriation is effective on July 1, which is the start of the state’s fiscal year; a law that applies to a local unit of government usually is effective upon the approval of the law by the unit’s governing body; other laws are effective on August 1.

² The constitution makes the Office of the Secretary of State, an elected executive branch official, the depository for laws enacted by the legislature and governor.

³ Because of exemptions in the federal or state constitution, the governor does not have the authority to disapprove certain legislative actions, even when they take the form of an act. The legislature still must present the act, but the governor has no power to veto it.

⁴ For more on the governor’s power to veto legislation, see the House Research publication *Veto Procedures*, July 2018, available at www.house.mn.gov/hrd/pubs/vetoproc.pdf.

⁵ What qualifies as an “item of appropriation”—and hence a valid target of a veto—is a complex issue and the subject of considerable litigation in states like Minnesota that give the governor this authority.

appropriation by appending to the signed act a statement indicating the items vetoed. Governors also sometimes mark the act to indicate the vetoed item or items. The governor is required to deposit the signed act, along with the veto statement, in the office of the secretary of state. If the legislature is still in session, the governor also must return a copy of the veto statement to the house of origin.⁶

A vetoed act or item of appropriation does not become law unless both houses of the legislature vote to override the veto by a two-thirds majority. The procedure for doing this is described in the following section.

According to information compiled by the Legislative Reference Library, from 1955 to 2023, governors vetoed 569 acts, either in whole or in part by line item. About 40 percent of these vetoes occurred in a 12-year period, during the administrations of governors Arne Carlson and Jesse Ventura (1991-2002). Governor Pawlenty vetoed 120 acts from 2003 to 2010.

Option 3: The governor may choose not to respond—neither sign nor veto

The governor's third option is simply to keep the act, doing nothing with it, until the time allowed for gubernatorial review expires.⁷ The effect of inaction by the governor depends on: (a) when the act passed the legislature—whether before or during “the last three days of a session”; and (b) whether the legislature is still in session when the governor's time expires.

- **If the act passed before the last three days of a session**—The act becomes law without a signature at the close of the governor's three-day review period, unless the legislature has prevented a return veto by adjourning the session *sine die* during that time. A governor who acquiesces to a law in this way is required to deposit it in the Office of the Secretary of State, along with a notice that the governor is allowing the act to become law without the governor's signature.
- **If the act passed during the last three days of a session**—The act does not become law without a signature at the close of the 14-day review period. This is called the pocket veto. The governor is required by law to retain the act in the records of the governor's office and to file a notice with the secretary of state indicating that the act, identified by chapter number, has been pocket vetoed.

⁶ For more on item vetoes, see the House Research publication *History of the Item Veto in Minnesota*, September 2018, available at www.house.mn.gov/hrd/pubs/itemveto.pdf.

⁷ There is an argument that the governor could rescind a veto, if the rescission was accomplished during the three-day, or 14-day, veto period. This argument is tied to actions taken by Governor Perpich to modify the effect of vetoes during his administration.

Veto Override

If the governor vetoes an act or an item of appropriation while the legislature is still in session, the legislature may enact the proposal into law anyway, despite the governor's objections. This action is called a veto override.

When the legislature overrides a veto, the legislature deposits the legislation, now a law, in the Office of the Secretary of State.

An override must be accomplished before the session ends

There is no time limit on legislative action to override a veto, except that the legislature must accomplish it during the same session that the legislation was passed and vetoed.⁸ Once the legislature has adjourned a regular or special session *sine die*, it likely cannot, in a subsequent special session, override a veto from the session concluded earlier.⁹

Overriding a veto requires the support of two-thirds in each house

To override a veto, two-thirds of all the members elected to each house (not merely two-thirds of those present and voting) must vote in favor of making the legislation a law despite the governor's objections to it. Accordingly:

- A minimum *number* of members in each house must vote to override: in the House, at least 90 of the 134 representatives; in the Senate, at least 45 of the 67 senators.
- Not voting has the same effect as voting in the negative, for purposes of attaining the required number of votes to override.

The constitution expressly requires a roll-call vote to override a veto. It also expressly requires that the vote of each member on the question be entered into the journal.

Vetoes may not be overridden collectively. There must be a separate vote in each house on each vetoed act or each vetoed item of appropriation in an act.

The house of origin votes first, then the second house

The governor executes a return veto by delivering the veto to the house of origin. The constitution requires the house of origin to enter the governor's objections into the journal. The house then may either:

- allow the veto to stand without challenge; or

⁸ The legislature has the whole of its biennial session to override a veto. If there is nothing to be gained by delay, the legislature acts promptly after receiving the veto message. But the legislature could vote in the second year of a biennial session to override a veto from the year before.

⁹ The question addressed here, whether the legislature can override a regular or special session veto in a subsequent session, is untested in Minnesota; there is no court ruling either way.

- submit the veto to an override vote.

If the veto is not submitted to a vote, or if the vote falls short of the two-thirds required, the veto stands, and legislative proceedings go no further.

If the house of origin votes in favor of overriding the veto, it transmits the matter to the second house with a record of this action. The second house now decides whether to challenge the veto. If the second house also submits the veto to an override vote, and if two-thirds of all the members there also vote in favor of overriding the veto, then the act or the item of appropriation becomes law despite the governor’s objections.

Veto overrides are not common, historically

Veto overrides are quite rare in Minnesota, compared to some states. They have become more frequent in the 21st century, as the number of gubernatorial vetoes has risen, but still are not common. According to information compiled by the Legislative Reference Library, from 1955 to 2023—a period during which governors vetoed 569 bills in whole or in part by line item—the legislature has overridden the veto of 12 acts and four items of appropriation. All but four of these 16 veto overrides occurred during the four years of the Ventura administration, from 1999 to 2002.

Procedural Effect of the Time of Passage

These exchanges between the legislature and the governor may be organized and understood in another way—according to when an act passes the legislature. The constitution prescribes different arrangements for two categories of acts:

- those that pass “during the last three days of a session”
- those that pass earlier in the session

The time of passage affects when the legislature must present the act to the governor, how much time the governor has to respond, and what happens if the governor does not respond within the time allowed.

“...the last three days of a session...”

The constitutional words—“passed during the last three days of a session”—apply only to the days leading up to a *sine die* adjournment ending a regular session or special session. The end-of-session arrangements for gubernatorial review do not apply to acts passed during the three days preceding an interim adjournment during a legislative session. The notable example is the three days before the customary interim adjournment of the biennial regular session, at the end of the session in the first, odd-numbered year. Acts passed in these three days are not considered to have passed during the last three days of a session.

In general, the constitutional words have been construed to mean the day that the legislature adjourns *sine die* and the two calendar days before that day. But the application of the words to particular acts—and therefore the correct close-of-session enactment procedures—can be quite

complex, even murky. One source of difficulty is that the last three days of a session usually are known for sure only after the legislature actually adjourns *sine die*.

Another issue is whether Sunday is one of the three days. The legislature typically adjourns the regular session *sine die* on Monday, and the constitution does not say whether the last three days are Saturday, Sunday, and Monday, or whether Sunday is excluded so that the last three days are Friday, Saturday, and Monday. Excluding Sunday seems generally consistent with the constitutional scheme for dealing with close-of-session legislative actions (unless the legislature itself were to act on that last Sunday, which it has done with increasing frequency). But the constitution does not expressly exclude Sunday from the three days, as it does in other, nearby language.

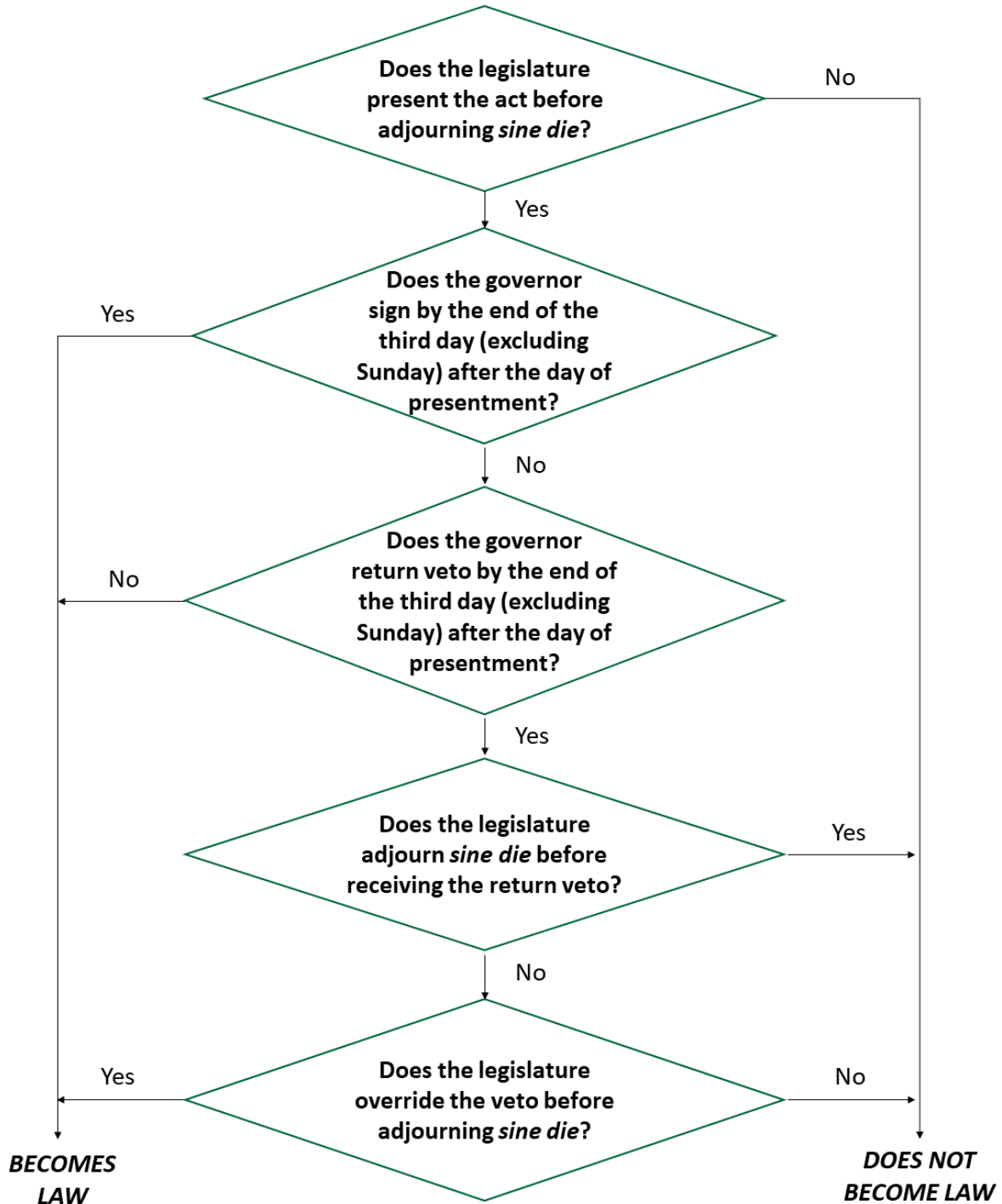
Finally, what does the word “passed” mean? For purposes of identifying whether a bill passed the legislature on the last three days, the word does not necessarily mean the day of the vote on final passage in the last house to act on the bill. The courts have construed the word to include at least the additional time required to enroll the act and obtain the required signatures of legislative officers. So a bill that is enrolled and signed during the last three days is considered to have passed during those three days, even though it may have passed the last house on an earlier day.

An act that passes before the last three days of a session is dealt with in one way

For acts passed during most of a legislative session, the constitution imposes the arrangements described below and depicted in the following flowchart.

- **Presentment.** The legislature must present the act before the legislature ends the session by adjourning *sine die*.
- **Three-day review period.** The governor has three calendar days to either sign or return veto the legislation, after the day it is presented. Sunday does not count as one of the three days.
- **Signature.** If the governor signs within the three-day review period, the legislation becomes law.
- **Return veto.** If the governor return vetoes the legislation within the three-day review period, the legislation does not become law unless the legislature overrides the veto. The legislature has until it adjourns the session *sine die* to override the veto. If it does not override by then, the veto stands, and the legislation does not become law.
- **Acquiescence.** If the governor neither signs nor return vetoes by the end of the three-day review period, the legislation becomes a law without the governor’s signature, unless the legislature has prevented a return veto by adjourning *sine die* during the period allowed for gubernatorial review.

An Act that Passes Before the Last Three Days of a Session



An act that passes during the last three days of a session is dealt with in another way

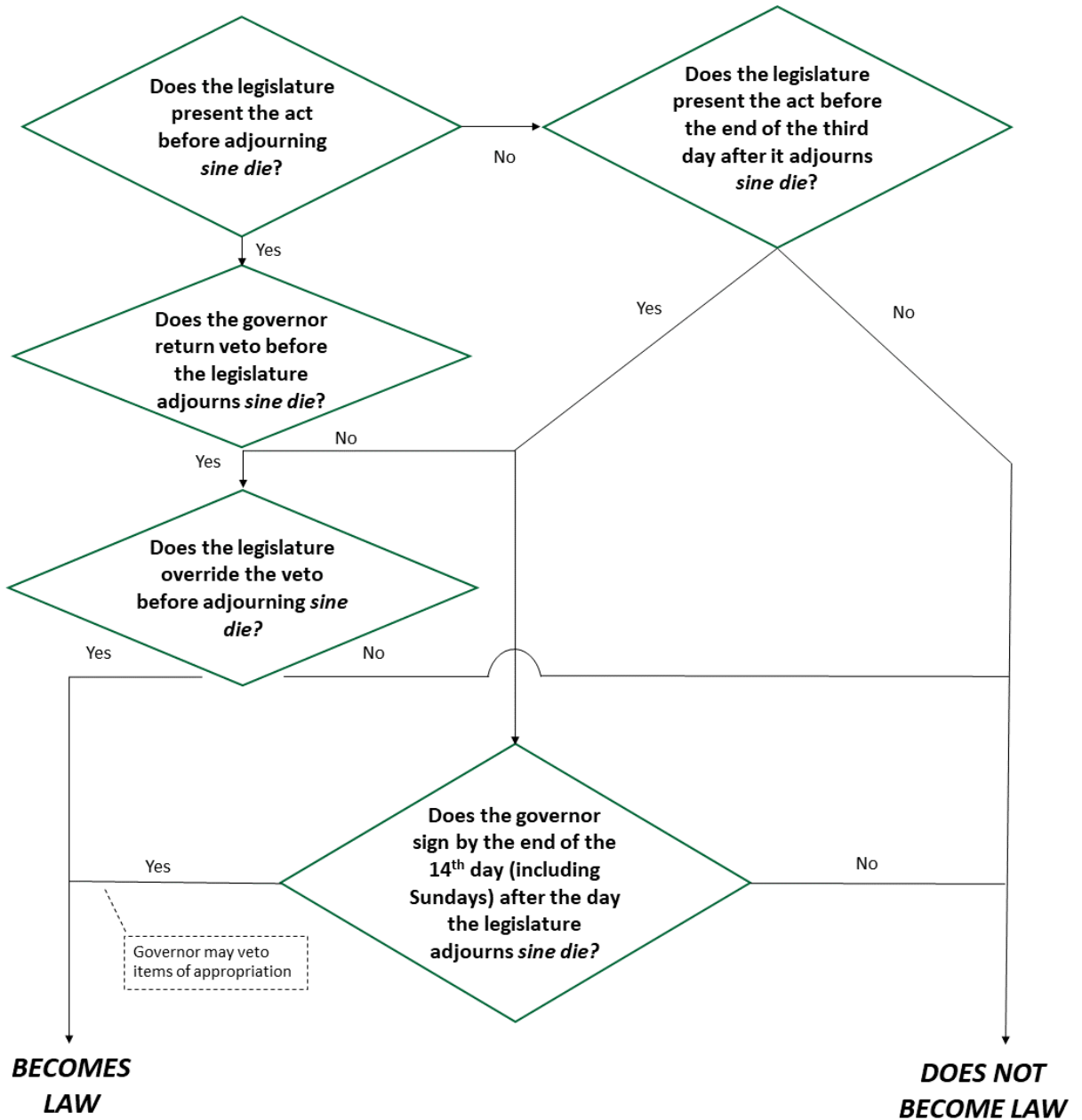
For acts passed near the end of a legislative session, during the last three days before the legislature adjourns *sine die*, the constitution prescribes different arrangements. These are described below and depicted in the following flowchart.

- **Presentment.** The legislature may present the act before it adjourns *sine die* or during the three calendar days after the day it adjourns.
- **Fourteen-day review period.** The governor has a longer time to decide whether to sign the act—14 days, including Sundays, after the day that the legislature adjourns *sine die* (rather than the usual three days, excluding Sunday, after the day that the legislature presents the act). Because the review period is calculated from the day of adjournment rather than presentment, the number of days actually available to the governor to review an act can be reduced or extended by as much as three days (i.e., to as few as 11 days or as many as 17), depending on when the legislature presents the act during the last three days of the session and the three days following.
- **Signature.** If the governor signs within the 14-day review period, the legislation becomes law.
- **Return veto.** If the legislature presents the act before it adjourns *sine die* (i.e., during the last three days of the session), the governor may return veto before the legislature adjourns. If so, the legislation does not become law unless the legislature overrides the veto. The legislature has until it adjourns *sine die* to override the veto. If it does not override by then, the veto stands, and the legislation does not become law.

After the legislature adjourns *sine die*, the governor still may veto but by means of the pocket veto rather than the return veto.

- **Pocket veto.** Whether the legislature presents the act before or after it adjourns *sine die*, the act does not become law unless the governor signs it by the end of the review period. The governor may not acquiesce, by allowing the act to become law without the governor's signature, as is possible earlier in the session. The effect of gubernatorial inaction on these end-of-session acts is the opposite of its effect on acts passed earlier in the session: instead of becoming law without the governor's signature, the act does not become law. This is the pocket veto.
- **Item veto.** The governor can also veto an item of appropriation after the legislature adjourns by signing the act during the review period while vetoing the item of appropriation. As with the pocket veto, the legislature, having adjourned, has no opportunity to override.

An Act that Passes During the Last Three Days of a Session



About This Series

This publication series describes the formal process of making laws in Minnesota. The series is made up of nine separate publications, each one describing an aspect of the lawmaking process. Together they explain the legislature as a body and the various components and procedures that are involved in creating law.

The first two works in the series describe the structure of the legislature and forms of action in the legislative body. The rest of the works in the series describe steps in the process of making laws, including passing bills, bicameral agreement, review by the governor, the committee system, committee proceedings, a bill on the floor, and making the budget. The complete series is listed here:

- [The Legislature](#)
- [Forms of Action](#)
- [Passing Bills](#)
- [Bicameral Agreement](#)
- Review by the Governor
- [The Committee System](#)
- [Committee Proceedings](#)
- [The Bill on the Floor](#)
- [Making the Budget](#)

Earlier Versions

Making Laws was originally published as a comprehensive guide to the Minnesota legislative process in 2005 and written by Tom Todd, former director of House Research. It was updated and republished in 2010 and again in 2018. The current series represents separate chapters in the previously published guide.



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

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