



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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Veto Sessions

When a bill is received, the governor generally has three options:

1. To sign the bill.
2. To veto the legislation.
3. To do nothing.

The outcomes of the first two options are fairly clear cut. If the governor signs a bill, it becomes law. If the chief executive vetoes a bill, the legislature must decide whether to override the veto or let the measure die.

What happens, however, if a state's executive officer takes the third option--that is, does not act upon a bill within the requisite time frame? In Iowa, the governor does not have this choice; every bill delivered to the governor by the legislature must be signed or vetoed. In many chambers, the measure becomes law without the governor's signature.

The governors in 11 states have "pocket veto" power, which is the ability to kill a bill by inaction. In every case, however, pocket vetoes may take place only after the legislative session has adjourned. While the legislature is convened, measures become law without the governor's signature.

State	Pocket Veto Power Description
Alabama	A bill dies unless signed within 10 days after legislative adjournment.
Delaware	A bill dies unless signed within 30 days after final adjournment.
Massachusetts	A bill dies unless signed within 10 days after presentation to the governor.
Michigan	A bill dies unless signed within 14 days after presentation to the governor.
Minnesota	A bill dies unless signed within 14 days after legislative adjournment.
New Hampshire	A bill dies unless signed within five days after presentation to the governor.
New Mexico	A bill dies unless signed within 20 days after legislative adjournment.
New York	A bill dies unless signed within 30 days after legislative adjournment.
Oklahoma	A bill dies unless signed within 15 days after legislative adjournment.
Vermont	A bill dies unless signed if the legislature adjourns within three days of presentation of the bill to the governor.
Wisconsin	A bill dies unless signed within 60 days after presentation to the governor.

Every legislature should have a reasonable opportunity to override every executive veto, and no governor should be able to kill--by inaction--legislation passed by a legislature.

A veto session is one solution; it may help clarify a confusing bill enactment/veto process. For several legislatures, the state constitution establishes a process by which they reconvene a set amount of time after normal session to consider bills vetoed by the governor. Shown below are the constitutional provisions that establish veto sessions for several states.

Alaska

Article II, Section 16

... Bills vetoed after adjournment of the first regular session of the legislature shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session of that legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. The vote on reconsideration of a vetoed bill shall be entered on the journals of both houses.

Connecticut

Article 3, Section 2

...If any bill passed by any regular or special session or any appropriation item described in Section 16 of Article Fourth has been disapproved by the governor prior to its adjournment, and has not been reconsidered by the assembly, or is so disapproved after such adjournment, the secretary of the state shall reconvene the general assembly on the second Monday after the last day on which the governor is authorized to transmit or has transmitted every bill to the secretary with his objections pursuant to Section 15 of Article Fourth of this constitution, whichever occurs first; provided if such Monday falls on a legal holiday the general assembly shall be reconvened on the next following day. The reconvened session shall be for the sole purpose of reconsidering and, if the assembly so desires, repassing such bills. The general assembly shall adjourn sine die not later than three days following its reconvening.

Hawaii

Article 3, Section 16

The governor shall have forty-five days, after the adjournment of the legislature sine die, to consider bills presented to the governor less than ten days before such adjournment, or presented after adjournment, and any such bill shall become law on the forty-fifth day unless the governor by proclamation shall have given ten days' notice to the legislature that the governor plans to return such bill with the governor's objections on that day. The legislature may convene at or before noon on the forty-fifth day in special session, without call, for the sole purpose of acting upon any such bill returned by the governor. In case the legislature shall fail to so convene, such bill shall not become law. Any such bill may be amended to meet the governor's objections and, if so amended and passed, only one reading being required in each house for such passage, it shall be presented again to the governor, but shall become law only if the governor shall sign it within ten days after presentation.

In computing the number of days designated in this section, the following days shall be excluded: Saturdays, Sundays, holidays and any days in which the legislature is in recess prior to its adjournment as provided in section 10 of this article.

Louisiana

Article 3, Section 18

(C) Veto Session. (1) A bill vetoed and returned and subsequently approved by two-thirds of the elected members of each house shall become law. The legislature shall meet in veto session in the state capital at noon on the fortieth day following final adjournment of the most recent session, to consider all bills vetoed by the governor. If the fortieth day falls on Sunday, the session shall convene at noon on the succeeding Monday. No veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon a vote of two-thirds of the elected members of each house.

(2) No veto session shall be held if a majority of the elected members of either house declare in writing that a veto session is unnecessary. The declaration must be received by the presiding officer of the respective houses at least five days prior to the day on which the veto session is to convene.

Missouri

Article 3, Section 32

Every bill presented to the governor and returned with his objections shall stand as reconsidered in the house to which it is returned. If the governor returns any bill with his objections on or after the fifth day before the last day upon which a session of the general assembly may consider bills, the general assembly shall automatically reconvene on the first Wednesday following the second Monday in September for a period not to exceed ten calendar days for the sole purpose of considering bills returned by the governor. The objections of the governor shall be entered upon the journal and the house shall proceed to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays and if two-thirds of the elected members of the house vote in the affirmative the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill with the objections of the governor to the other house, in which like proceedings shall be had in relation thereto. The bill thus certified shall be deposited in the office of the secretary of state as an authentic act and shall become a law.

Montana

Article VI, Sec 10.

(4) (a) If the legislature is not in session when the governor vetoes a bill approved by two-thirds of the members present, he shall return the bill with his reasons therefor to the secretary of state. The secretary of state shall poll the members of the legislature by mail and shall send each member a copy of the governor's veto message. If two-thirds or more of the members of each house vote to override the veto, the bill shall become law.

(b) The legislature may reconvene as provided by law to reconsider any bill vetoed by the governor when the legislature is not in session.

New Jersey

Article 5, Section 1, Paragraph 14

(c) The period allowed for the Governor's consideration of a passed bill shall be from the date of presentation until noon of the forty-fifth day next following or, if the house of origin be in temporary adjournment on that day, the first day subsequent upon which the house reconvenes; except that: (l) if on the said forty-fifth day the Legislature is in adjournment sine die, any bill then pending the Governor's approval shall be returned, if he objects to it, at a special session held pursuant to subparagraph (d) of this paragraph;

(2) any bill passed between the forty-fifth day and the tenth day preceding the expiration of the second legislative year shall be returned by the Governor, if he objects to it, not later than noon of the day next preceding the expiration of the second legislative year;

(3) any bill passed within 10 days preceding the expiration of the second legislative year shall become law only if the Governor signs it prior to noon of the seventh day following such expiration, or the Governor returns it to the House of origin, with a statement of his objections, and two-thirds of all members of each House agree to pass the bill prior to such expiration.

(d) For the purpose of permitting the return of bills pursuant to this paragraph, a special session of the Legislature shall convene, without petition or call, for the sole purpose of acting upon bills returned by the Governor, on the forty-fifth day next following adjournment sine die of the regular session; or, if the second legislative year of a 2-year Legislature will expire before said forty-fifth day, then the day next preceding the expiration of the legislative year.

North Carolina

Article II, Sec. 22

(7) Time for action by Governor; reconvening of session. If any bill shall not be returned by the Governor within 10 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 have adjourned:

(a) For more than 30 days jointly as provided under Section 20 of Article II of this Constitution; or

(b) Sine die

in which case it shall become a law unless, within 30 days after such adjournment, it is returned by the Governor with objections and veto message to that house in which it shall have originated. When the General Assembly has adjourned sine die or for more than 30 days jointly as provided under Section 20 of Article II of this Constitution, the Governor shall reconvene that session as provided by Section 5(11) of Article III of this Constitution for reconsideration of the bill, and if the Governor does not reconvene the session, the bill shall become law on the fortieth day after such adjournment. Notwithstanding the previous sentence, if the Governor prior to reconvening the session receives written requests dated no earlier than 30 days after such adjournment, signed by a majority of the members of each house that a reconvened session to reconsider vetoed legislation is unnecessary, the Governor shall not reconvene the session for that purpose and any legislation vetoed in accordance with this section after adjournment shall not become law.

(8) Return of bills after adjournment. For purposes of return of bills not approved by the Governor, each house shall designate an officer to receive returned bills during its adjournment.

Utah

Article 7, Section 8

(4) If the governor disapproves any bill or item of appropriation after the adjournment sine die of any session of the Legislature, the presiding officer of each house shall poll the members of that house on the matter of reconvening the Legislature. If two-thirds of the members of each house are in favor of reconvening, the Legislature shall be convened in a session that shall begin within 60 days after the adjournment of the session at which the disapproved bill or item of appropriation passed. This session may not exceed five calendar days and shall be convened at a time set jointly by the presiding officer of each house solely for the purpose of reconsidering the bill or item of appropriation disapproved. If upon reconsideration, the bill or item of appropriation again passes both houses of the Legislature by a yeas and nays vote of two-thirds of the members elected to each house, the bill shall become law or the item of appropriation shall take effect on the original effective date of the law or item of appropriation.

Virginia

Article IV, Section 6

... The General Assembly shall reconvene on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections. No other business shall be considered at a reconvened session. Such reconvened session shall not continue longer than three days unless the session be extended, for a period not exceeding seven additional days, upon the vote of the majority of the members elected to each house.

Washington

Article III, Section 12

... Provided, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed. ...