

INTRODUCTION

The 1972 flexible session amendment to Article IV, Section 1 of the Constitution authorized the legislature to meet in regular session in both years of the biennium.

Article IV, Section 11 subjects bills to a pocket veto after the adjournment of a legislative session. However, the temporary adjournment between the session of the first year and the second year of the biennium is not a final adjournment, as the biennial session is considered as one continuous session.

"Pocket veto" occurs in two distinct situations: (1) When a bill is passed during the last 3 days of a biennial session and is not signed and filed by the Governor within 14 days after final adjournment, and (2) when a bill is passed prior to the last 3 days of a biennial session and is not signed or returned by the Governor by the end of the 3 day period after presentment, and the legislature has prevented such bill's return by *final* adjournment within 3 days of presentment.

Three test cases were brought in District Court, 4th Judicial District for declaratory judgments to determine whether Senate File No. 386 (L. 1973, C. 689); Senate File No. 1726 (L. 1973, C. 782); and House File No. 1772 (L. 1973, C. 783) were valid enactments of law by the legislature.

District Court Judge Harold Kalina ruled that S. F. No. 386 was not passed on a day prescribed for the adjournment of the two houses of the legislature within the meaning of Article IV, Section 22. Further, it was signed within the three day period allowed for the signature of bills. Hence it became law with the Governor's signature.

In the case of S. F. No. 1726, the Court ruled that this bill became law without the Governor's signature, since he failed to return the bill to the house of origin within three days, Sundays excepted, after its presentment to him.

H. F. No. 1772 was presented during interim adjournment and was signed within three days of presentment. So it became a valid law upon completion of the Governor's function, Judge Kalina ruled.

The three cases were appealed to the Supreme Court. In each case the Supreme Court affirmed the summary judgment of the trial court that each law was validly enacted. Each case involved a slightly different combination of circumstances, but all three hinged on the question of final adjournment.

So, as the District Court ruled and the Supreme Court affirmed, the 1973 Minnesota legislative session and the 1974 session are technically one session separated by a temporary adjournment.

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