

The Lawmaking Process

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How a bill becomes law

The first step of the lawmaking process is to transform an idea into a specific proposal for a law. The proposal may be for a new law, for changing current law or for repealing a law. The proposal may originate from a variety of sources: individuals, public interest groups, state agencies or businesses. For an idea to become law, though, it must be introduced as a bill by a member of the Legislature.

In order for a bill to be introduced, it must be prepared in the appropriate form. This preparation, called bill drafting, may be done by Senate Counsel, Research and Fiscal Analysis or by the Office of the Revisor of Statutes.

In bicameral legislatures, such as the Minnesota Legislature, a bill must pass both bodies and be signed by the governor.

Before a bill can begin to be processed through either of the two houses, it must first be given its first formal “reading.” The first reading occurs when the bill is introduced, given a file number and assigned to a committee for study.

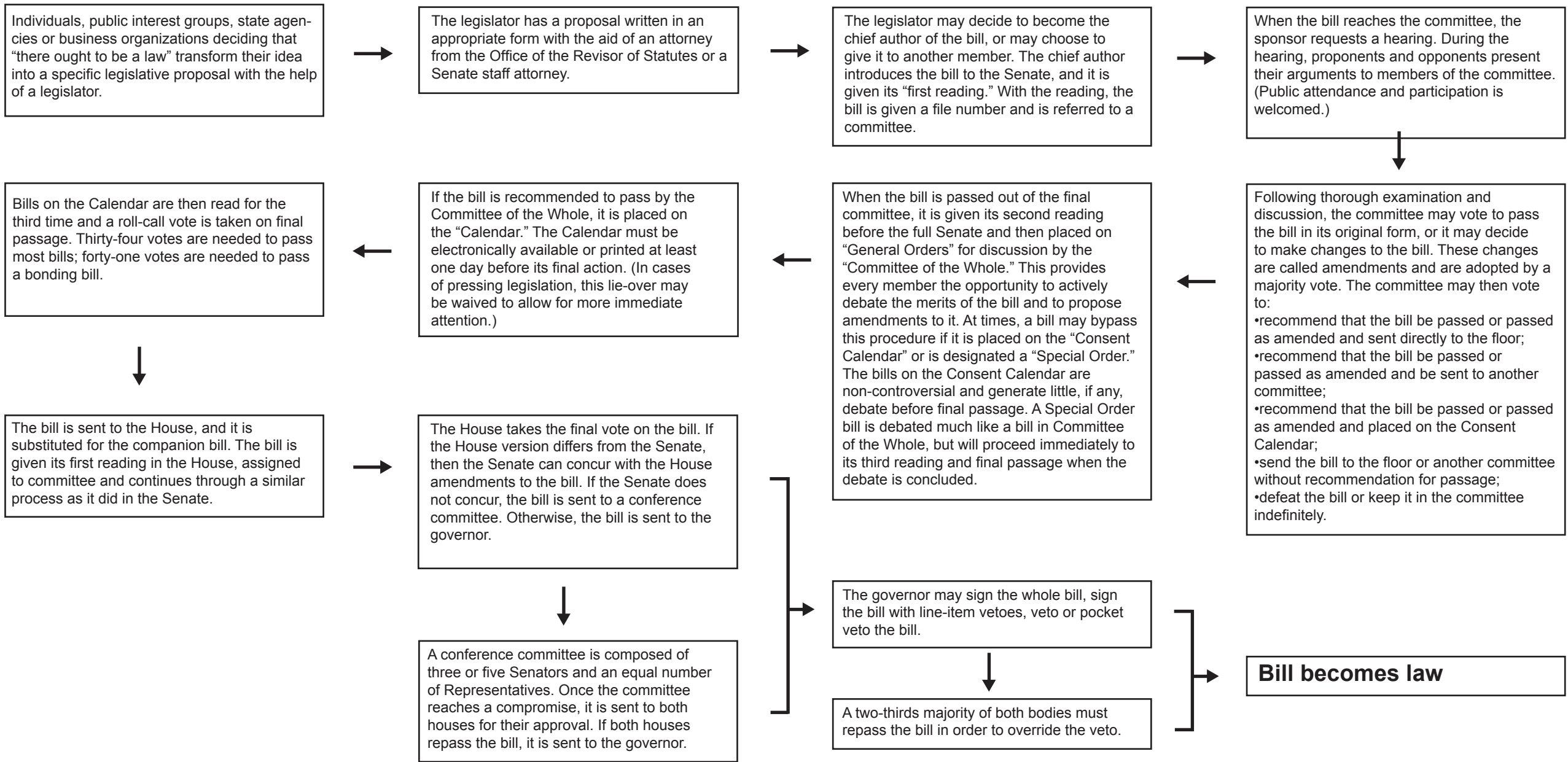
The committee chair decides a hearing date for the bill. During the hearing, proponents and opponents give testimony on the merits of the legislation. Any person may testify on any bill. Members of the committee can change a bill. These changes are called amendments. The committee members may propose amendments to improve the bill or to reach a compromise among the bill’s proponents and opponents.

After weighing all the testimony and thoroughly examining and discussing the pros and cons of the bill, committee members may take several courses of action. The committee, after a vote, may: recommend that the bill be passed—or passed as amended—and send it directly to the Senate or House floor; recommend that the bill be passed—or passed as amended—and be placed on the Consent Calendar; approve the bill and send it on to another committee for further discussion; send the bill to the floor or another committee without a recommendation for passage; keep it in committee indefinitely; or simply defeat it.

After a bill is reported out of its final committee, it is given its second reading and placed before the entire body for discussion and consideration. Floor amendments are considered and a preliminary vote on the bill is taken. If approved, the bill is laid over for at least a day before being considered for final passage. The bill is given a third reading prior to the vote for final passage. After final passage, the bill is sent to the other body.

In the Minnesota Legislature, a bill must pass the Senate and the House of Representatives in identical form to become law. If a measure does not go through in the same form, a conference committee is established consisting of both Senators and Representatives to work out the final version. The compromise version must then be repassed by both bodies.

If a proposal survives all these obstacles, it is sent to the governor, where it faces another test. The governor may sign the bill into law, veto it, or allow the bill to expire without signing it. A veto may be overridden if both the Senate and the House of Representatives repass the bill with a two-thirds majority vote.



Individuals, public interest groups, state agencies or business organizations deciding that "there ought to be a law" transform their idea into a specific legislative proposal with the help of a legislator.



The legislator has a proposal written in an appropriate form with the aid of an attorney from the Office of the Revisor of Statutes or a Senate staff attorney.



The legislator may decide to become the chief author of the bill, or may choose to give it to another member. The chief author introduces the bill to the Senate, and it is given its "first reading." With the reading, the bill is given a file number and is referred to a committee.



When the bill reaches the committee, the sponsor requests a hearing. During the hearing, proponents and opponents present their arguments to members of the committee. (Public attendance and participation is welcomed.)



Following thorough examination and discussion, the committee may vote to pass the bill in its original form, or it may decide to make changes to the bill. These changes are called amendments and are adopted by a majority vote. The committee may then vote to:

- recommend that the bill be passed or passed as amended and sent directly to the floor;
- recommend that the bill be passed or passed as amended and be sent to another committee;
- recommend that the bill be passed or passed as amended and placed on the Consent Calendar;
- send the bill to the floor or another committee without recommendation for passage;
- defeat the bill or keep it in the committee indefinitely.



When the bill is passed out of the final committee, it is given its second reading before the full Senate and then placed on "General Orders" for discussion by the "Committee of the Whole." This provides every member the opportunity to actively debate the merits of the bill and to propose amendments to it. At times, a bill may bypass this procedure if it is placed on the "Consent Calendar" or is designated a "Special Order." The bills on the Consent Calendar are non-controversial and generate little, if any, debate before final passage. A Special Order bill is debated much like a bill in Committee of the Whole, but will proceed immediately to its third reading and final passage when the debate is concluded.



If the bill is recommended to pass by the Committee of the Whole, it is placed on the "Calendar." The Calendar must be electronically available or printed at least one day before its final action. (In cases of pressing legislation, this lie-over may be waived to allow for more immediate attention.)



Bills on the Calendar are then read for the third time and a roll-call vote is taken on final passage. Thirty-four votes are needed to pass most bills; forty-one votes are needed to pass a bonding bill.



The bill is sent to the House, and it is substituted for the companion bill. The bill is given its first reading in the House, assigned to committee and continues through a similar process as it did in the Senate.



The House takes the final vote on the bill. If the House version differs from the Senate, then the Senate can concur with the House amendments to the bill. If the Senate does not concur, the bill is sent to a conference committee. Otherwise, the bill is sent to the governor.



A conference committee is composed of three or five Senators and an equal number of Representatives. Once the committee reaches a compromise, it is sent to both houses for their approval. If both houses repass the bill, it is sent to the governor.



The governor may sign the whole bill, sign the bill with line-item vetoes, veto or pocket veto the bill.



A two-thirds majority of both bodies must repass the bill in order to override the veto.



Bill becomes law