



**Senate Counsel, Research, and Fiscal Analysis**

State of Minnesota

# **Legislative Process In Minnesota**

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## Introducing a Bill

### I. Passing a Law is Intended to be Difficult

- A. Bicameral Legislature
  - 1. The founding fathers intended that passing a law should be difficult.
  - 2. Each house is intended to act as a check on the other.
    - a. To prevent the passage of too many bills.
    - b. To prevent any bill from passing too quickly, without thoughtful consideration.
  - 3. Don't blame the living for a process that is complex and difficult to understand.
- B. Constitutional Limits on Sessions
  - 1. The founders wanted a citizen legislature, one that did not spend too much time in St. Paul passing too many laws.
  - 2. They imposed constitutional limits on the length of legislative sessions.
  - 3. These limits have required legislators to develop procedures for considering the same bill in both houses at once.

### II. Introducing a Bill

- A. Companion Bills – Two Moving Targets
  - 1. A Senate Bill and a House Bill
    - a. The system of “companion” bills means that the same idea is introduced, considered in committee, and debated on the floor at about the same time in both the Senate and the House of Representatives.
    - b. One who is interested in the idea and its progress through the legislative process must monitor the companion bills in both houses, since there are two moving targets to keep track of.
  - 2. Two Authors Who Can Work Together
    - a. Every bill must have an author in each house.
    - b. The two chief authors should work together throughout the legislative process in order to keep the same bill moving along through both houses at about the same time.
    - c. If you are interested in the passage of a bill, you must consider who will be able to carry it successfully in each body and to whether each chief author will be able to work harmoniously with the chief author in the other body.
- B. Revenue Bills
  - 1. “All bills for raising revenue shall originate in the house of representatives, but the senate may propose and concur with the amendments as on other bills.” Minn. Const. art. IV, § 18.
  - 2. Tax bills must originate in the House of Representatives. But they must also pass the Senate, so they must also have a Senate author.
  - 3. The Senate author introduces a companion bill, which begins with its language identical to the House bill. Both bills are introduced and heard in committee at about the same time. The Senate bill may even be reported out of committee before its House companion. Sometimes the Senate's omnibus tax bill is even debated on the floor of the Senate before the House bill comes over. The Senate bill may not be placed on final passage, because of the constitutional prohibition. The Senate waits for the House bill to arrive, amends it to conform to the language of the Senate bill, and passes only the House bill. The Senate bill is then indefinitely postponed.
- C. Getting an Author
  - 1. Individual Authors
    - a. The Senate rules limit the number of authors of a bill to five. Senate Rule 3.2.

- b. The House rules limit the number of authors of a bill to 35. House Rule 1.12.
  - c. In the Senate, because of the five-author limit, popular bills may be introduced several times in identical form, in order to allow more than five members to get credit for having introduced them. This may also be done in the House, but is done less frequently because of the higher limit on the number of authors.
  - d. The rules provide that only a member of the legislature may introduce a bill. A member who is pressed by a constituent to introduce a bill the member does not support may choose to give the constituent some measure of satisfaction by introducing it with the notation that it is being introduced “by request.”
2. Committee Bills
- a. Some bills are the product of extensive committee discussion and debate before they are introduced. The rules of both houses permit such a bill to be introduced by the chair of a committee on behalf of the committee and to be considered on the floor without first being referred to a committee.
  - b. Senate Rules
    - (1) “Bills, memorials, and concurrent or joint resolutions may be introduced by a member or by a standing committee.” Senate Rule 3.1.
    - (2) “A bill introduced by a committee need not be referred to a standing committee unless a question arises. It must lie over one day before being given its second reading.” Senate Rule 4.9.
  - c. House Rules
    - (1) “A standing or special committee of the House or a division of the House may introduce a bill as a committee or division bill on any subject within its purview. When a committee or division bill is introduced and read for the first time, the Speaker may refer it to a standing committee or division. If the Speaker does not refer it, the bill must be laid over one day. Then it must be read for the second time and placed on the General Register.” House Rule 1.13.
- D. Deadline For Bill Introductions
- 1. The Senate does not have a rule that imposes a deadline for the introduction of bills. However, custom and practice require a bill or resolution to be submitted to the Secretary of the Senate’s office by 11 a.m. on the day before the daily session at which it is to be introduced.
  - 2. The House has rules that impose deadlines for the introduction of bills.
    - a. A bill must be submitted to the Speaker at least 24 hours before the floor session at which it is to be introduced. House Rule 1.10.
    - b. An agency or department bill must be introduced and given its first reading at least ten days before the date of the first committee deadline. House Rule 1.10.
    - c. The House Committee on Rules and Legislative Administration “may designate a date after which a House File may not be introduced during that annual session, unless approved for introduction by the Committee on Rules and Legislative Administration. The date must be at least 14 calendar days after the Committee acts under this paragraph, but no earlier than May 1 of each annual session.” House Rule 1.10.
  - 3. The Joint Rules require that “All bills necessary to implement the governor's budget submitted by a state agency or department must be made available for introduction within 15 calendar days after the governor’s budget was submitted. A bill introduced after that date must be referred to the Committee on Rules and Administration in the Senate or the Committee on Rules and Legislative Administration in the House of Representatives and may not be heard without the approval of that committee.” Joint Rule 2.03.

#### E. Introduction

1. A bill is introduced by filing it with the Secretary of the Senate or the Chief Clerk of the House.
2. The bill must be signed by the member or members introducing it.

#### F. First Reading

1. When a bill is introduced, it is given its “First Reading.”
2. The Constitution of 1857 required that each bill be read on three different days prior to its passage, and that the first and third readings be “at length.”
  - a. In the Legislature of 1858, the Secretary of the Senate may have read each bill aloud in its entirety when it was introduced. After all, there were no copying machines and that was probably the most efficient way to call the members’ attention to the substance of the bill.
  - b. By 1971, “First Reading” consisted of the Secretary of the Senate reading only the title of each bill aloud before the President of the Senate announced the committee to which it was being referred.
  - c. In 1973, the procedure changed. The Secretary of the Senate began to prepare a printed agenda of all the bills to be introduced that day, showing their Senate File number, title, authors, and the committee to which the bill would be referred. Rather than have the Secretary read the bills, or their titles, aloud, the President simply announced that “the bills on today’s agenda, having been given their First Reading, will be referred to the committees indicated, subject to objection under Rule 4.9.”
  - d. The agenda of bills to be introduced used to be printed on gray paper, and it still has a gray background on the Senate Web site, so it is often called “the Gray Agenda.”
3. In 1974, the style and form of the Constitution were amended to modernize the language without changing the substance. The requirement for three “readings” was dropped and a requirement that each bill be “reported” on three different days was substituted. The rules of each house were amended to reflect the change in constitutional terminology and to reflect the actual practice.
  - a. “Every bill shall be reported on three different days in each house, unless, in case of urgency, two-thirds of the house where the bill is pending deem it expedient to dispense with this rule.” Minn. Const. art. IV, § 19; Senate Rule 2; House Rule 5.02.
  - b. “Every bill, memorial, order, resolution or vote requiring the approval of the Governor must be reported to the Senate on three different days before its passage. The first report, called the first reading, is made when it has been received for introduction. The second report, called the second reading, is made when it has been considered by all the necessary standing committees and is ready for debate. The third report, called the third reading, is made when it is ready for final passage.” Senate Rule 2.
  - c. “A bill must be reported to the House on three different days before its passage, except as provided in Rule 5.02. The first report, called the first reading, occurs when it is introduced; the second report, called the second reading, occurs when it has been reported by the appropriate standing committees for consideration by the House; the third report, called the third reading, occurs when it is ready for the vote on passage.” House Rule 1.04.

### III. Referral to Committee

- A. As soon as a bill has received its first reading, the presiding officer refers it to a standing committee for further consideration. Senate Rule 4; House Rule 1.11.
- B. Committee Jurisdictions
  1. Determining the committee or committees to which a bill must be referred is a matter of determining each committee’s jurisdiction. Committee jurisdictions are set when each house

organizes after an election. Each committee is given a descriptive name and there are informal discussions about what subjects the committee will cover.

2. Committee jurisdictions in the Senate are developed by the majority caucus Organizing Committee, which recommends them to the full caucus for adoption. In recent years, this recommendation has included a brief narrative describing each committee's jurisdiction, and a longer list of all the state agencies, boards, and commissions whose legislation that includes.
3. Committee jurisdictions in the House are set by the Speaker, who publishes a list of the committees.

#### C. President of the Senate

1. The power of the President over bill referrals is limited. When a bill is introduced in the Senate, any member may question the referral made by the President.
2. "A member may question the reference of a bill during the order of business of first reading on the day of introduction. When a member questions the reference of a bill, the bill must be referred without debate to the Committee on Rules and Administration to report the proper reference. Upon adoption of the report of the Committee on Rules and Administration, the bill must be referred accordingly." Senate Rule 4.10.
3. Rules Committee
  - a. Objections under Rule 4.10 are rare. When one is made, the bill is referred without debate to the Committee on Rules and Administration. The Committee holds a hearing at which the author, the member who raised the objection, and anyone else may appear and plead their case why the bill should be referred to one committee rather than to another.
  - b. The recommendations of the Rules Committee are not effective until they are adopted by the whole Senate.

#### D. Speaker of the House

1. The Speaker's referrals are final and not subject to question or appeal, except by a majority vote of the whole House. House Rule 1.11.

## Committee Consideration

### I. Where the Action Happens

The most extensive and intensive discussion on a bill occurs in committee. Before a bill may be recommended to pass it is given a public hearing at which it is explained, debated, and amended. Often a bill is rewritten in committee based on comments from the public. After a bill leaves committee it may be fine-tuned by floor amendments and conference committee, but its basic structure generally remains as created in committee.

### II. Referral to Subcommittee or Division

#### A. When Required

1. Some committees have set up subcommittees or divisions to which bills are referred before being considered in the full committee.
2. Not every bill is referred to a subcommittee or division. Whether a given bill will be referred, and to which subcommittee, is decided by the full committee chair.
3. Sometimes a bill will be scheduled for a hearing only in the full committee, but during the hearing questions about the bill arise that were not anticipated by the chair. The chair may then ask for a motion to refer the bill to subcommittee, or may simply announce that it is being referred to subcommittee.

- B. Not all subcommittees are established at the beginning of a session. As time goes on, the chair may find a need to appoint ad hoc subcommittees to work on a single issue that may involve only one bill, or several bills on the same subject.

### III. Open Meetings

- A. The rules of both bodies require that all committee and subcommittee meetings be open to the public. A caucus of the members of a committee from one political party need not be open to the public, even though that number would be a quorum of the committee. In the House, executive sessions of the committee on ethics are not required to be open to the public. Senate Rule 12.1; House Rule 6.21.
- B. “Each standing committee of the Senate, including a subcommittee or division of the committee, may at any time sit and act, investigate and take testimony on any matter within its jurisdiction, report hearings held by it, and make expenditures as authorized by the Committee on Rules and Administration.” Senate Rule 12.7.
- C. “Public testimony from proponents and opponents must be allowed on every bill or resolution before a standing committee, division or subcommittee of the House.” House Rule 6.22.

### IV. Requesting a Hearing

- A. Most committee chairs will not schedule a bill for a hearing unless they have received a written request from the chief author. However, a chair is not required to hear a bill even if they have received a written request.
- B. Senate Rule 5
  - 1. A majority of the Senate may re-refer a bill or place it on General Orders. “Before the applicable deadline for committee action on a bill, a majority of the whole Senate may recall the bill from a committee and re-refer it to any other committee or place it on General Orders. After the committee deadline for action on a bill, 41 affirmative votes of the whole Senate may recall the bill from any committee and re-refer it to any other committee or place it on General Orders. Recall of a bill under this rule requires the concurrence of the chief author of the bill.” Senate Rule 5.1. A chief author in the Senate may also ask the Committee on Rules and Administration to remove the bill from the committee and refer it to another committee or place it on General Orders.
  - 2. “By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the chief author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.” Senate Rule 5.2.
- C. House Rule 4.31
  - 1. A majority of the House may re-refer a bill. A chief author in the House may demand that the bill be returned to the possession of the House.
  - 2. “If 20 legislative days after a bill has been referred to a committee ... a report has not been made on it by the committee . . . its chief author may request that it be returned to the House . . . . The committee . . . must vote on the bill requested within ten calendar days after the day of the request. If the committee . . . fails to vote on it within ten days, the chief author may present a written demand to the Speaker for its immediate return to the House. . . . The bill is then be considered to be in the possession of the House and must be given its second reading and placed on the General Register.” House Rule 4.31.
- D. Scheduling a Time
  - 1. The time when a bill will be heard is worked out between the chief author and the committee chair. Usually, the chair will work with the author to find a time when the bill’s supporters can be present to present the bill and answer questions.
- E. Notice of the Hearing



1. A Senate Committee must, to the extent practical, “announce each meeting to the public at least three calendar days before convening. The notice must state the name of the committee or subcommittee, the bill or bills to be considered, and the place and time of meeting. The notice must be posted on the Senate's Web site and on all Senate bulletin boards in the Capitol and the State Office Building. A notice must be sent to the House of Representatives for posting as it deems necessary. If the three-day notice requirement cannot be met, the committee or subcommittee shall give simultaneous notice to all of the known proponents and opponents of the bill as soon as practicable.” Senate Rule 12.3.
2. In the House, “The Speaker must prepare and publish a schedule of committee meetings, fixing as far as practicable the regular meeting day and time of each committee. The chair of a committee must give written notice of a special meeting or a change in the regular schedule of meetings. The notice may be announced from the desk and must be posted in public notice locations maintained by the House. The notice must be posted at least one day in advance of the change. As far as practicable, the chair of a committee must give three days notice of the date, time, place and agenda for each meeting.” House Rule 6.20.
3. If you want to be present when the bill is heard, contact the legislative assistant to the committee or subcommittee chair and ask to be placed on the list of those notified of any hearings. The assistant will want to know the number of the bill. Call Senate Information (651/296-2887) or House Index (651/296-6646), or look it up on the Web at: <http://www.leg.state.mn.us/leg/legis.asp>.
4. You may also sign up for email notifications of upcoming hearings by visiting the Senate or House website.

## V. Hearing the Bill

### A. Role of the Chair

1. The chair controls the agenda, recognizes those seeking permission to speak, decides points of order, and takes votes.
2. Anyone requesting permission to speak must first address the chair as “Mr. Chairman,” “Mr. Chair,” or “Madame Chair.”
3. Once recognized, all remarks are addressed to the chair as well as to the committee or a member of the committee, e.g. “Mr. Chairman and Senator X. . . .”
4. Addressing the chair serves both to preserve order, since only one person is permitted to speak at a time, and to preserve decorum, since caustic or critical remarks are addressed to the impartial chair rather than to an opponent who may be offended by them.
5. If the debate gets heated, the chair may need to remind the members to direct remarks to the chair and speak only to the issue under discussion.

### B. Explanation

1. The hearing on a bill normally begins with the chief author explaining the overall purpose and intent of the bill.
2. Then the author, an executive branch official, lobbyist, or other interested party who has worked on the bill will explain the bill in detail, section by section.
3. After the explanation is completed, the chair will call for testimony from other supporters of the bill.
4. When the proponents of the bill have finished their testimony, the chair will call for testimony from the bill’s opponents, if any. The chair may also impose time limits on how long each side may present testimony.

### C. Discussion

1. During and following the explanation of the bill, members of the committee will question the author, the bill's supporters, and other testifiers about the provisions in the bill.
2. When the members' questions have all been answered, they will begin to give their opinions on the merits of the bill, especially any provisions they think should be changed.

#### D. Voting

##### 1. Author's Amendments

- a. The chief author of the bill is the focal point for most amendments to it. Most people who have concerns about the bill will contact the author first, to see if the author is willing to amend the bill to respond to their concerns. Only if the author is unwilling to accommodate them will they seek the support of another member to offer the amendments.
- b. A committee will normally grant the chief author the courtesy of being the first person to offer amendments to the bill. At the first hearing, this is described as "putting the bill in the shape" the author wants to present it to the committee. Generally, an author's amendment at the first hearing is adopted without debate.
- c. When a bill is heard in a second or third committee, or on the floor, the author is still granted the courtesy of being the first to offer amendments to it, but does not have the same right to put the bill into the shape the author desires, since the body has now developed its own position on the bill, as reflected in the committee reports previously adopted.

##### 2. Other Amendments

- a. Only members of the committee may propose amendments to the bill.
- b. The amendments are considered in the order in which they are offered.
- c. An amendment may be amended by another amendment, but an amendment to an amendment cannot be amended.

##### 3. Committee Recommendation

- a. When the committee has completed discussion and action on any proposed amendments, a member moves that the bill, "be recommended to pass." An alternative is for the committee to move the bill "without recommendation."
- b. If a bill is amended, the motion should indicate that the bill has been amended by the committee.
- c. The recommendation also should specify whether the bill should be referred to another named committee or to the floor.

#### E. Roll Call Votes

##### 1. In the Senate

- a. The chief author, or any member of the committee, may ask for a roll call vote on any motion. Senate Rule 12.9.
- b. "Upon request of three members of the committee before the vote is taken, the record of a roll call vote in a standing committee must accompany the committee report and be printed in the Journal." Senate Rule 12.10.

##### 2. In the House

- a. A committee member may demand a roll call on any bill before the committee. The name of the member demanding the roll call and the vote of each member must be recorded in the committee minutes. House Rule 6.21.
- b. The committee minutes must include the names of those in favor and those opposed on a roll call vote. House Rule 6.24.

#### F. Voice votes

1. If none of the committee members has requested a roll call vote, the chair calls for a voice vote. This is the most common method of voting in committee.

## G. Division

1. After the chair announces the result of the voice vote, any member may request a “division,” or show of hands.
2. If the chair is in doubt, but no member has requested a division, the chair may request it.

## H. Minutes and Recordings

1. In the Senate
  - a. The proceedings of each committee and subcommittee are recorded on electronic media, and the chair’s legislative assistant prepares minutes of the meeting. Each recording must have “a log showing the number of each bill considered and the places on the record where consideration of the bill occurred.” Senate Rule 50.1.
  - b. Within a week after each meeting of a committee, the Secretary must make the electronic record of the meeting available to the Legislative Reference Library, along with an agenda showing bills considered and any action taken on them. Senate Rule 50.3.
  - c. After completion and approval of the minutes of the meeting, the Secretary must make the completed minutes of the meeting available to the public. Senate Rule 50.4.
  - d. “The Senate intends that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent.” Senate Rule 50.9.
2. In the House, “The chair of a standing committee must cause a committee record to be kept, in the form prescribed by the Committee on Rules and Legislative Administration. The record must include the record of committee proceedings on each bill referred to the committee and the minutes of the committee and any subcommittees.

...

The minutes must be approved at the next regular meeting of the committee or subcommittee.

At the end of two business days after approval by the committee or subcommittee, copies of the minutes must be filed with the Chief Clerk and be open to public inspection in the Chief Clerk's office and on the House Web site.

At the end of the legislative biennium minutes and other records must be delivered to the Director of the Legislative Reference Library.

Audio recordings of Committee and Subcommittee meetings must be made available for public use by the end of the business day following each meeting.

....

Testimony and discussion preserved under this Rule are not intended to be admissible in any court or administrative proceeding on an issue of legislative intent.” House Rule 6.24

## VI. Referral to Another Committee

The rules require that certain bills be referred to certain committees. This may require them to be referred to a second or third committee, after being reported out of the first. In other situations, bills are referred to certain committees as part of the custom and practice of either the House or the Senate, regardless of whether the requirement is stated in the rules.

### A. Governmental Operations and Rulemaking

1. In the Senate, a bill delegating rulemaking authority to a state department or agency or exempting a state department or agency from rule making must be heard by the Committee on State and Local Government. Also, a bill that create a new commission, council, task force, board, or other body to which a member of the legislature will be appointed must be heard by Committee on

- State and Local Government and to the Committee on Rules and Administration. Senate Rules 4.5 and 4.6.
2. In the House, a bill that does any of the following must be heard by the Committee on Government Operations and Elections Policy: establishes a department, agency, commission, board, task force, advisory committee or council, or bureau, or other like entity; delegates rulemaking authority to, or exempts from rulemaking, a state department or agency; or substantially changes the organization of a department or agency of state government or substantially changes, vests or divests the official rights, powers, or duties of an official, department or agency of state government or an institution under its control. House Rule 4.13.
- B. Memorials in Capitol Area
1. A bill “that proposes to have a memorial placed in the Capitol area must be referred to the Committee on Rules and Legislative Administration.” House Rule 4.14.
- C. Constitutional Amendments
1. In the House, a bill that proposes a constitutional amendment must be referred to the Committee on Rules and Legislative Administration. House Rule 4.15.
- D. Criminal Penalties
1. In the Senate, a bill that authorizes or increases a sentence of imprisonment must be referred to the Committee on Judiciary. Senate Rule 4.7.
- E. Data Practices
1. In the House, a bill that deals with the government data practices act must be referred to the Committee on Civil Law and Data Practices. House Rule 4.16.
- F. State Debt
1. In the House, a bill “that directly and specifically affects debt obligations or capital projects of the state must be referred to the Committee on Capital Investment before the bill receives its second reading.” House Rule 4.12.
- G. Appropriations
1. In the Senate, a bill that appropriates money, obligates the state to spend money, or establishes a policy which to be effective will require money to be spent must be referred to the Committee on Finance. Senate Rule 4.4.
  2. In the House, a bill that “directly, substantially, and specifically affects any present or future financial obligation, budget policy, or revenue of the State must be referred ... to the appropriate Committee before the bill receives its second reading.” A bill reported by a finance committee must be referred to the Ways and Means Committee. House Rule 4.10.
- H. Taxes
1. In the House, “[a] bill with a substantial impact on the tax revenues or tax policies of the State must be referred to the Committee on Taxes. A bill reported by the Committee on Taxes containing a substantial fiscal impact must be referred to the Committee on Ways and Means.” House Rule 4.10.
- I. Resolutions
1. In the Senate, “[a]ll resolutions required to follow the same procedure as bills must be referred before passage to the Committee on Rules and Administration.” Senate Rule 4.8.
- J. Questioning a Referral
1. The right of a member of the Senate to object to a bill’s referral applies when a bill comes out of committee, as well as when it goes in. Whether a committee report recommends that the bill be placed on General Orders or the Consent Calendar, or be referred to another committee, any member may object under Rule 21 and cause the bill to be sent to the Committee on Rules and Administration, where the disagreement will be resolved. Senate Rule 21.

2. The House does not have a similar procedure for questioning committee reports.

## VII. Withdrawal from Committee

- A. The whole House or Senate may withdraw a bill from committee and refer it to another committee.
- B. In the Senate
  1. “Before the applicable deadline for committee action on a bill, a majority of the whole Senate may recall the bill from a committee and re-refer it to any other committee or place it on General Orders. After the committee deadline for committee action on a bill, 41 affirmative votes of the whole Senate may recall the bill from a committee and re-refer it to any other committee or place it on General Orders. Recall of a bill under this rule requires the concurrence of the chief author of the bill.” Senate Rule 5.1.
  2. “By a report of the Committee on Rules and Administration adopted by the Senate, the Committee on Rules and Administration, on request of the chief author, may remove a bill from committee and re-refer it to any other committee or place it on General Orders.” Senate Rule 5.2.
- C. In the House
  1. “A bill or resolution may be recalled from a committee or division at any time by majority vote of the whole House, be given a second reading and be placed on the General Register. . . . This Rule does not apply in a special session or after the deadline for committee reports on House files.” House Rule 4.30.
- D. When the chief author and the chairs of both affected committees agree, this is a “friendly” motion and is usually adopted without opposition to speed the work of the body.
- E. When any of those three disagree, it is an “unfriendly” motion. Further argument on the question is carried out within the Rules Committee.

## VIII. Committee Deadlines

- A. In order to reduce the logjam at the end of the session, the joint rules of the Senate and House require the adoption of a concurrent resolution setting deadlines by which committees must complete action on bills. There are three separate committee deadlines. Joint Rule 2.03.
  1. Bills in the House of Origin
    - a. The first deadline is for committees to act favorably on bills in the house of origin. It is usually six or seven weeks before the anticipated date of adjournment.
  2. Bills in the Other House
    - a. The second deadline is for committees to act favorably on bills, or companions of bills, that met the first deadline in the other house.
  3. Major Appropriation and Finance Bills Deadline.
    - a. The third deadline is for committees to act favorably on major appropriation and finance bills. It is usually a week or two after the second deadline.
  4. The deadlines do not apply to the House committees on Capital Investment, Ways and Means, Finance, Taxes, or Rules and Legislative Administration, nor to the Senate committees on Capital Investment, Finance, Taxes, or Rules and Administration.
- B. The Senate and House have not always interpreted the deadline rule in the same way, so there may be disagreement over whether a given bill is dead or alive. Those disagreements are ultimately resolved in the Rules Committee of each house.

## Floor Action

### I. Engrossing

- A. Incorporating Amendments into the Bill

1. If a committee in its report has recommended that a bill be amended, those amendments are not incorporated into the bill until the committee report has been adopted by the Senate or the House. The process of incorporating amendments into a bill is called “engrossing,” and the clean bill that results is called an “engrossment.”
  2. If a bill has been amended by one committee, there will be a first engrossment. If it has been amended by two committees, there will be a second engrossment, and so forth, each time the amendments are adopted by the Senate or House.
  3. There is an exception to this procedure. The Senate does not officially engross House bills and the House does not officially engross Senate bills. Rather, they each prepare an “unofficial engrossment” of the amendments their body makes to a bill from the other body.
- B. Done by the Revisor of Statutes
1. Engrossing a committee’s amendments into a bill is done by the Revisor of Statutes using a computer program that automates the process.
  2. Engrossing is done on the same day the committee’s report is adopted by the body.
  3. The new engrossment is printed overnight and distributed by the Secretary of the Senate or the Chief Clerk of the House first thing the next morning. The new engrossment is also posted online.
  4. When a bill has had its Second Reading, it is then ready for floor debate.

## II. Second Reading

- A. When a bill has completed consideration in committee and is ready for debate on the floor, it is given its “second reading.” The second reading consists of the Secretary of the Senate or Chief Clerk of the House reading aloud the number of the Senate or House file.

## III. Senate General Orders and Calendar

- A. Senate General Orders
1. To assist the members and the public in knowing what bills will be coming up for debate and in what order, the Secretary of the Senate prepares “a list of all bills, resolutions, reports of committees, and other proceedings of the Senate that are referred to the Committee of the Whole.” This list is called “General Orders.” The General Orders list must show each bill’s file number, its title, authors, and its procedural history so far in the body. Senate Rule 22.1.
  2. Considered in Order
    - a. The bills are listed in the order in which they were given their Second Reading.
    - b. “Items on General Orders may be taken up in the order in which they are numbered, as ordered by the Chair of the Committee on Rules and Administration, or as otherwise ordered by a majority of the committee.” Senate Rule 22.2.
  3. One-Day Lie-Over
    - a. To insure that everyone has an opportunity to read the bills before they are debated, each bill must lie over for a day after it appears on General Orders and before it is debated in the Committee of the Whole.
    - b. “General Orders, together with all bills required to be included on it, must be electronically available or printed at least one calendar day before being considered in Committee of the Whole.” Senate Rule 22.3.
- B. Committee of the Whole
1. Bills taken up on General Orders are considered in the Committee of the Whole, which is the whole Senate meeting as a committee, unless the bill is considered on the Consent Calendar or as a Special Order. Senate Rule 23.1.
  2. The President may appoint another member to preside over each meeting of the Committee of the Whole. Senate Rule 23.2.

3. Unlimited Debate
  - a. The limits on the number of times a member may speak on a question are relaxed.
  - b. “[A] member may speak more than twice on the same subject and a call for the previous question may not be made.” Senate Rule 23.3.
4. Traditionally, one of the primary purposes of the Committee of the Whole was to avoid roll-call votes before final passage.
  - a. Before 1973, there were no roll-call votes in the Committee of the Whole. The main purpose of the Committee of the Whole was to allow bills to be debated and amended with no record of how the members had voted on the major points in controversy. By the time the bill had completed action in the Committee of the Whole and was ready for the constitutionally required roll-call vote on final passage, most of the contentious issues had been resolved and everyone could vote yes.
  - b. One of the major campaign themes of the Democrats in the 1972 election was “Openness in Government.” They pledged to end the practice of allowing committees and conference committees to meet in private and to require roll-call votes in the Committee of the Whole. When they took control of both houses of the Legislature for the first time in state history in 1973, they amended the rules of the House and Senate and the joint rules in accordance with their campaign promises. Some questioned whether this change in the rules hadn’t eliminated the reason for the Committee of the Whole. But the Committee of the Whole continued in both houses until 1999, primarily because it provided an occasion for other members of the body to preside, there was less frequent need for roll call votes, and there was an opportunity to engross amendments into the bill and review the final version before it was placed on final passage. In 1999, when Republicans took control of the House of Representatives, they abolished the Committee of the Whole.
5. Under current Senate rules, “[a] member may request a roll call vote. The vote must be recorded in the Journal along with the amendment.” Senate Rule 23.4.

#### C. Senate Calendar

1. A List of Bills That Have Passed the Committee of the Whole
  - a. When a bill has completed consideration in the Committee of the Whole, a new engrossment of any amendments is prepared and it is placed on a second list, printed on paper colored yellow on the Senate’s Web site, called the “Calendar.”
  - b. “The Secretary shall make a Calendar of all bills, resolutions and other matters approved by the Committee of the Whole for final action. The Secretary shall place them on the Calendar in the order in which they have been acted upon in Committee of the Whole.” Senate Rule 24.1.
2. Bills on the Calendar Must lie over for a day before they are voted on for final passage.
3. “The Calendar must be electronically available or printed at least one calendar day before the matters on it are considered.” Senate Rule 24.2.
4. There is little debate on bills on the Calendar, since that was done in the Committee of the Whole, and amendments are not in order.
5. The bill is given its “Third Reading” by the Secretary of the Senate reading its title aloud.
6. It is placed on final passage. Final passage requires a majority of the whole body on a roll-call vote.

## IV. House General Register and Calendar for the Day

### A. House General Register

1. In 1999, the House replaced General Orders with the General Register. Unlike General Orders, the General Register does not serve as a list of bills that will be taken up by the House. Rather, it serves as a list of bills the Rules Committee may consider to place on the Calendar for the Day or the chairs of the committees on Ways and Means and on Taxes may consider to place on the Fiscal Calendar.
  2. “The General Register consists of all bills that have received a second reading. Bills must be placed on the General Register in the order that they receive their second reading. A bill must be on the General Register, be given to each member, and be available to the public before it may be considered by the House on the Calendar for the Day or the Fiscal Calendar. Each day that the House meets in session, the Chief Clerk must publish a list of the bills on the General Register.” House Rule 1.20.
- B. House Calendar for the Day
1. The Calendar for the Day is prepared by the Rules Committee. House Rule 1.21.
  2. During the first part of the regular session, the Rules Committee must designate the bills that will be on the Calendar for the Day before 5:00 p.m. the day before the House is to consider them. This deadline ceases to apply after a day specified by the Rules Committee. House Rule 1.21.
  3. Any member may, by motion, place a bill on the Calendar for the Day. The bill must have been on the General Register for more than ten legislative days and the member who will make the motion must notify the Speaker three legislative days before making the motion.
  4. Bills must be considered in the order in which they appear on the calendar. House Rule 1.21.
  5. After consideration, unless otherwise disposed of, the bill is immediately given its third reading and placed on final passage. House Rule 1.21.
  6. “A third motion by the author of a bill to continue it on the Calendar for the Day is not in order; upon such a motion, the bill must be stricken from the Calendar and returned to the General Register in the order of its second reading.” House Rule 1.21.
- C. Fiscal Calendar
1. The House has a special rule that allows immediate action on finance and tax bills whenever requested by the Chair of the Committee on Ways and Means or the Chair of the Committee on Taxes, respectively.
  2. “A finance bill that has had its second reading must be considered by the House when requested by the Chair of the Committee on Ways and Means or by a designee of the Chair. A bill relating to taxes or raising revenue that has had its second reading must be considered by the House when requested by the Chair of the Committee on Taxes or a designee of the Chair.” House Rule 1.22.
  3. 5:00 P.M. Deadline
    - a. During the first part of the regular session, the chairs must announce the intention to make the request before 5:00 p.m. the day before the House is to consider them. This deadline ceases to apply after a day specified by the Rules Committee.
    - b. When the 5:00 p.m. deadline does not apply, the chair must announce the intention at least two hours before making the request.
  4. After consideration, unless otherwise disposed of, the bill must immediately be given its third reading and placed on final passage. House Rule 1.22.
- D. Floor amendments
1. Amendments that will be offered on the House floor must be prefiled with the Chief Clerk by 12:00 noon on the day before the calendar day the bill could be considered on the Calendar for the Day or the Fiscal Calendar. House Rule 3.33.
  2. “When an amendment is filed with the Chief Clerk, the Chief Clerk must have the amendment posted on the House Web site as soon as is practical.” House Rule 3.33.



## V. Consent Calendar

- A. There is one category of bills that have been given their Second Reading that do not appear on General Orders in the Senate. Rather, they appear on a separate list called the Consent Calendar. The Consent Calendar is printed on pink paper.
- B. Bills Not Likely to be Opposed or Amended
  - 1. If a committee, when hearing a bill and recommending it to pass, determines that it is likely to be not controversial and not in need of amendment, the committee may recommend in its report that the bill be placed on the “Consent Calendar.” Senate Rule 25.1.
  - 2. “A majority of the whole Senate, or the Chair of the Committee on Rules and Administration, may order a bill on General Orders placed on the Consent Calendar.” Senate Rule 25.2.
- C. Bills on the Consent Calendar must lie over for a day before being considered but, even in the Senate, they are not considered in the Committee of the Whole. Rather, they are debated and immediately placed on final passage.
- D. There is no need for a lie-over after debate, because, unlike bills on General Orders, bills on the Consent Calendar have usually not been amended.
- E. Getting off the Consent Calendar
  - 1. “If a member objects to consideration of a bill on the Consent Calendar at any time during its consideration in the Senate before the question on final passage is put, and that objection is supported by at least two other members, the bill shall be referred to the Committee of the Whole, and the Secretary shall place it at the bottom of General Orders subject to Rule 22.2, except that it need not lie over one calendar day before consideration in the Committee of the Whole.” Senate Rule 25.4.

## VI. Special Orders in the Senate

- A. Not Considered in the Committee of the Whole
  - 1. There is a category of bills that appear on General Orders in the Senate that are never considered in the Committee of the Whole. Instead, they are made “Special Orders.”
  - 2. When the omnibus tax and appropriation bills are reported out of committee and the leadership wants to expedite their consideration on the floor, they designate the bills as special orders so they can begin their long consideration in conference committee. Other important bills may likewise be designed as special orders so they may be moved along quickly.
  - 3. In recent years, the Senate has used special orders almost exclusively.
- B. Designating Special Orders
  - 1. Special Orders are designated by the Chair of the Committee on Rules and Administration (who is also the Majority Leader) or the chair’s designee. There is no motion and no vote on making a bill a Special Order. Senate Rule 26.1.
  - 2. Once a bill has been designated as a special order, it may be considered immediately, at a time certain, or after specific other business is completed. Senate Rule 26.2.
- C. If the Chair distributes a list of Special Orders during debate, it may be available only in the Senate Chamber or Senate Office. If posted on the Senate Web site, it may be colored green.
- D. The rule that allows a member to only speak twice on the same question on the same day is suspended for bills designated as special orders.
- E. A member may request a roll call vote on any question. The roll call must be entered in the Journal. Senate. Rule 26.5 .
- F. After a bill on Special Orders is debated and amended, it is immediately given its third reading and placed on final passage. Senate Rules 26.6.

## VII. Voting

### A. Roll Call

1. Final Passage
  - a. The Constitution requires a roll-call vote on final passage.
  - b. “No law shall be passed unless voted for by a majority of all the members elected to each house of the legislature, and the vote entered in the journal of each house.” Minn. Const. art. IV, § 22.
2. Demanding a Roll Call
  - a. In the Senate, any member may demand a roll-call on any question at any time before the start of voting on a question. The roll call must be entered in the Journal, unless the Senate is taking a roll call vote using the electrical voting system. Senate Rule 40.3.
  - b. In the House, it takes 15 members to demand a roll-call vote on any other question. House Rule 2.03.

### B. Voice Vote

1. Voice votes are used for all questions on which a roll call is not required or demanded.
2. The electronic voting board makes taking a roll-call vote a relatively speedy matter, but it still takes time. So, some votes are still taken as voice votes, with the presiding officer announcing the result.

### C. Division

1. If the call is close, any member may question it by demanding a division.
2. “The President shall declare the result of the vote. If a member questions the result of a vote, the President shall order a division.” Senate Rule 40.1
3. A division is taken by asking members to stand at their desk to be counted. A count is taken for both “yes” and “no” votes.

## VIII. Amendments

A. The primary voting activity on the floor is on amendments. An amendment may be offered by any member, but there are a few procedural requirements it must meet.

### B. In Writing

1. Any member may demand that an amendment be in writing. Senate Rule 27.1. Oral amendments are rarely offered unless they are very short or simple.

### C. Approved by the Engrossing Secretary

1. In the Senate, every amendment must be approved as to form before it may be offered. This approval is given by the Engrossing Secretary, who makes sure that the amendment is drawn to the latest engrossment of the bill and that, if adopted, it can be properly engrossed into it. In other words, that the amendment will “fit” into the bill.

### D. Copies for All Members Made by the Desk

1. A paper copy must be available for a member who requests it.
2. Making copies for the Senate or House takes time. When many amendments are being proposed in rapid succession, it can take extra time to get an amendment approved by the Engrossing Secretary and then have copies made.

### E. Germaneness in the Senate

1. An amendment must be “germane.” Under Senate Rule 35.2, an amendment is not germane if it relates to a substantially different subject or accomplishes a substantially different purpose.
  - a. The first test is whether the amendment relates to a substantially different subject. This test is relatively flexible. For example, if a bill relates to dogs, one might argue that an amendment adding a section relating to cats is not germane and therefore out of order. But the sponsor of

the amendment could make the counter argument that the subject of the bill is really domestic animals, and that the amendment relating to cats is germane and therefore in order.

- b. The second test for germaneness under Rule 35 is whether the amendment is intended to accomplish a “substantially different purpose” than that of the bill to which it is proposed. This test is harder to meet. It not only protects against the development of garbage bills or Christmas-tree bills on a variety of subjects, it also protects an author from unfriendly amendments that would cause the bill to stray too far from the path the author has kept it on up to this point in the process.
  2. “A motion to remove an amendment placed on a House bill under Rule 45.1 is out of order if removal of the amendment would make a portion of the House bill not germane to the Senate companion for which it was substituted.” Senate Rule 35.5.
  3. “If a House amendment to a Senate bill is not germane to the Senate bill, a motion to concur in the House amendment is out of order.” Senate Rule 35.6.
  4. Whether a Senate amendment is germane is a question to be decided by the President, who may put the question to the body if the President chooses. Senate Rule 35.4.
- F. Germaneness in the House
1. Different Subject
    - a. Germaneness in the House relates only to the subject of the amendment.
    - b. “A motion or proposition on a subject different from that under consideration must not be admitted under guise of its being an amendment. A motion, amendment, or other proposition offered to the House is out of order if it is not germane to the matter under consideration.” House Rule 3.21.
    - c. “An amendment to an amendment on the House floor must relate only to the primary amendment, without introducing any new subject.” House Rule 3.21.
  2. “Whether a proposition is germane to the matter under consideration is a question to be decided by the presiding officer, who may put the question to the House.” House Rule 3.21.
- G. Constitutional Amendments
1. In the Senate, an amendment that adds a constitutional amendment to a bill is not germane if that bill does not already include a constitutional amendment. Senate Rule 35.3.
  2. In the House, “[a] constitutional amendment may not be offered as an amendment to a bill on the floor.” House Rule 3.23.
  3. “A bill containing a constitutional amendment may only contain the statutory language and changes necessary to conduct the constitutional election and to implement the constitutional amendment, should it pass. Extraneous statutory changes or additional topics may not be included in a bill proposing a constitutional amendment.” Joint Rule 2.01.
- H. Third-Degree Amendments Prohibited
1. Besides being germane, an amendment must not be a “third-degree” amendment.
  2. As House Rule 3.20 puts it: “An amendment may be amended, but an amendment to an amendment must not be amended.” This is simply to avoid having too many balls in the air at one time.
  3. The solution to the problem is straightforward. If an amendment is pending that needs to be further amended, and the first attempt proves to be in need of revision, don’t try to amend it while it is still under consideration. Instead, its sponsor should withdraw, redraft, and reoffer it.

## IX. Debate

### A. Maintaining Order and Decorum

1. Both the Senate and the House have rules in place to help maintain order and decorum during debate and allow for a respectful exchange of ideas.
  2. In the Senate
    - a. A Senator must not speak until recognized by the President. Senate Rule 36.1.
    - b. Senators must only speak to the question under debate. Members must also avoid personality. Senate Rule 36.2.
    - c. “When a member is speaking, no one may stand between the member speaking and the President.” Senate Rule 36.6.
    - d. “All remarks during debate shall be addressed to the President.” Senate Rule 36.8.
    - e. “When a member is called to order, the member shall be silent until it is determined whether or not the member is in order. If a member is called to order for words spoken in debate, the words excepted to must be taken down in writing by the Secretary immediately.” Senate Rule 36.10.
  3. In the House
    - a. “If a member violates the Rules in any way, the Speaker must, or another member may, call the member to order. The member called to order must immediately sit down unless another member moves to permit the member who was called to order to explain. In either case, the House, if appealed to, must decide the question without debate. Only if the decision is in favor of the member called to order may that member proceed. The House may censure or punish a member called to order.” House Rule 2.30.
    - b. “If a member is called to order for offensive words in debate, the member calling for order must report the words to which exception is taken and the Clerk must record them. A member must not be held to answer, or be subject to censure of the House, for language used in debate unless exception is taken before another member speaks or other business takes place.” House Rule 2.31.
    - c. “A member must not engage in private conversation while another member is speaking or pass between a speaking member and the Chair. A member must not disrupt order and decorum in the Chamber by possessing or using any audiovisual display, including but not limited to placards, signs, photographs, visual aids, or the use of any video images or audio, except for such items that are distributed to members at their desks for the purpose of conducting business of the day.” House Rule 2.33.
- B. Compelling Attendance
1. To insure that members will be present to participate in the debate, the body has a right to compel their attendance. This is done through a “call of the Senate” or a “call of the House.”
  2. Any Member of the Senate
    - a. In the Senate, any member may impose a call at any time before voting has commenced. The roll is taken and the Sergeant at Arms instructed to bring in the absent members.
    - b. “A member may impose a call of the Senate requiring the attendance of all members before any further proceedings occur except a motion to adjourn.” Senate Rule 38.1.
    - c. “Upon the imposition of a call, a member may request a record of those present and the Sergeant at Arms shall bring in the absent members.” Senate Rule 38.2.
    - d. “A majority of the whole Senate may excuse members not answering the call.” Senate Rule 38.4.
    - e. “A call may not be imposed after voting has commenced.” Senate Rule 38.5.
  3. Ten Members of the House
    - a. In the House, it takes ten members to impose a call.

- b. “Ten members may demand a call of the House at any time until voting begins . . . .  
Proceedings under the roll call may be suspended by a majority vote of the whole House.”  
House Rule 2.02.

C. Permission to be Absent

- 1. “A member or officer of the Senate may not be absent from a session of the Senate unless excused by the Senate.” Senate Rule 37.
- 2. “Unless illness or other sufficient cause prevents attendance, a member or officer of the House must not be absent from a session of the House without the prior permission of the Speaker.”  
House Rule 2.01.

D. Time Limit

- 1. Neither the House nor Senate has a time limit for debating an issue.

## X. Moving the Previous Question

- A. Both houses allow a simple majority to close debate. This is done by making a motion for the previous question.
- B. A motion for the previous question is very rarely made in the Senate because there is a tradition of allowing unlimited debate. Efforts are made on major bills to schedule the amount of time necessary, and sometimes debate continues for many hours. But when the members have said enough, they vote.
- C. Senators must speak only to the question under debate. This means that reading the phone book or using some other similar delay tactic would be ruled out of order. Senate Rule 36.2.
- D. In the Senate, “[i]f the motion for the previous question is supported by a majority of the members present, its effect is to put an end to all debate and bring the Senate to a direct vote upon all pending amendments in their order and then upon the main question.” Senate Rule 31.1.
- E. In the Senate, a motion for the previous question is non-debatable. However, a call of the Senate is in order before the motion is voted on. Senate Rules 31.2 and 31.3.
- F. In the House, “[t]he previous question may be moved by a member who is seconded by 15 members. If the motion for the previous question is ordered by a majority of members present, its effect is to put an end to all debate and bring the House to direct vote upon the question. Before the presiding officer submits a motion for the previous question to the House, a call of the House is in order. After a majority has ordered the previous question, a call of the House is not in order before the decision on the main question.” House Rule 3.13.

## XI. Excuses from Voting

- A. Members may be excused from attendance on a given day or part of a day, and excuses of this kind are granted by the body without question. Members are expected to vote on every question unless there is some special, personal circumstance that creates a conflict of interest. Both the House and the Senate require the member to ask to be excused from a particular vote. These requests are quite rare.
- B. Senators in the Senate Chamber during a roll call, including in the Committee of the Whole, must vote upon the request of another member unless excused. Senate Rule 41.1.
- C. A senator must make a motion to be excused from voting before the question is put. The member may make a brief statement of the reason for making the request. The vote on the motion to excuse must be taken without further debate. Senate Rule 41.2.
- D. In the House, “[e]very other member present before the result of a vote is declared by the presiding officer must vote for or against the matter before the House, unless the House excuses the member from voting. . . .

A member who does not vote when the member's name is called must state reasons for not voting. After the vote has been taken but before the presiding officer has announced the result of the vote, the presiding officer must submit to the House the question: "Shall the member, for the reasons stated, be

excused from voting?" The question must be decided without debate. After the question is decided, the presiding officer must announce the result of the vote, after which other proceedings about the nonvoting member may take place." House Rule 2.05.

#### E. Conflicts of Interest

1. State law provides a process for dealing with conflicts of interest. A legislator "who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the [legislator's] financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the [legislator's] business classification, profession, or occupation" must prepare and deliver to the President of the Senate or the Speaker of the House a "written statement describing the matter requiring action or decision and the nature of the potential conflict of interest." The legislator may request to be excused from taking part in the action or decision. Minnesota Statutes § 10A.07.
2. "Members of the Senate shall disclose potential conflicts of interest in the discharge of senatorial duties as provided in Minnesota Statutes, section 10A.07." Senate Rule 56.4.
3. A House member must not vote on a question if the member "has an immediate interest" in it. House Rule 2.05.

### XII. Declaring an Urgency

- A. The constitutional requirement that each bill be reported on three different days in each house may be suspended by a two-thirds vote declaring an urgency. Minn. Const. art. IV, § 19.
- B. In both the Senate and the House, declaring an urgency is a frequent practice with the omnibus appropriation and tax bills because it will prevent having to wait two additional days before taking up the bill. This is often necessary at the end of the session, when time becomes a valuable commodity.
- C. An urgency is also frequently declared to deal with disasters that need quick legislative attention.

### XIII. Third Reading

- A. When the process of debating and amending a bill has come to its end, the bill is given its "Third Reading" by the Secretary of the Senate or Chief Clerk of the House reading its title aloud. Final comments may be made by the members. Then the Secretary or Clerk takes a roll-call vote on final passage.
- B. Only very limited amendments may be made after third reading.
  1. In the Senate, an amendment to a bill after third reading is out of order unless the amendment: fills in a blank, amends the title; or is suggested by the Revisor to correct technical defects found while engrossing earlier amendments. Other amendments may be made only with unanimous consent of the Senate. Senate Rule 33.5.
  2. In the House, "[a]n amendment must not be received after the third reading of a bill without unanimous consent, except to fill blanks or to amend the title." House Rule 1.30.

### XIV. Following the Action

#### A. Copies of Bills

1. A copy of any bill pending in the body is available from the Secretary of the Senate or the Chief Clerk of the House.
2. Bills are also available on the Legislature's Web site: <http://www.leg.state.mn.us/leg/legis.asp>.
3. Senate bills must be electronically available or printed before they are considered by the Senate. The unofficial engrossment of a House bill as amended by the Senate must be electronically available or printed when the bill is placed on General Orders. A bill must be electronically available or printed when ordered by the Senate or the Secretary. As far as practical, the Secretary must provide a copy of any bill to the public for a reasonable fee. Senate Rule 48.

4. In the House, a bill must be prepared and published or made available electronically after it receives a second reading. A majority of the House may order a bill to be published at any time. House Rule 1.40.
- B. Electronic Recordings
1. Electronic recordings of the sessions of each body and its committees, subcommittees, and divisions are available on the Legislature's Web site:
    - a. Senate Audio and Video: <http://www.senate.leg.state.mn.us/media/>
    - b. House Audio and Video: <http://www.house.leg.state.mn.us/audio/default.asp>
  2. In the Senate
    - a. The proceedings of the Senate are electronically recorded. Within two working days after each floor session, the Secretary must make a copy of the electronic record available to the Legislative Reference Library. The Library must give committee staff reasonable access to the electronic records. The Library must also provide the public with convenient facilities to listen to the electronic recordings. Senate Rule 50.
    - b. The Secretary must make copies of Senate electronic records available to the public for a fee that covers the cost of preparing the copies. A free copy must be provided free to a Senator upon request for use in legislative business." Senate Rule 50.7.
    - c. "The Senate intends that testimony and discussion preserved under this rule not be admissible in any court or administrative proceeding on an issue of legislative intent." Senate Rule 50.9.
  3. In the House
    - a. House floor proceedings are recorded on an appropriate audio recording medium. The Chief Clerk must transmit a copy of the recordings to the Legislative Reference Library. House Rule 2.15.
    - b. A person may obtain a copy of a recording from the Library for a fee that covers the cost of preparing the copy. House Rule 2.15.
    - c. "Discussion preserved under this rule is not intended to be admissible in a court or administrative proceeding on an issue of legislative intent." House Rule 2.15.
  4. Available from the Chair's Assistant.
    - a. There may be a time delay between the day of a committee, subcommittee, or division meeting and the day the electronic recording is available on the Web.
    - b. If you need a recording immediately following a meeting, ask the chair's assistant about having a copy made for you.
- C. Journals
1. The Journals of the House and Senate are not verbatim records of debate. They list only actions taken by the body, without a narrative explanation. The Journal includes the following information:
    - a. Attendance of the members;
    - b. Committee and conference committee reports;
    - c. The title of each bill introduced;
    - d. The text of amendments adopted by the body;
    - e. Roll-call votes on the floor;
    - f. Procedural motions; and
    - g. Official communications between the two bodies, messages from the governor, and protests filed by members.



## Relations with the Other Body

### I. Consideration in the Other Body

#### A. The Same Bill Must Pass Both Bodies

1. The Minnesota Legislature uses companion bills, but even if the bills are identical and pass both bodies in the same form, they may not be sent to the Governor. That is because it is not sufficient to have two identical bills pass both bodies—the same bill must pass both bodies.
2. When the two companions are ready for final passage, there must be a procedure for deciding which bill will complete the process and which one will be set aside.
3. That decision is made automatically—whichever bill passes its house of origin first is taken up by the second house and the companion in the second house is “indefinitely postponed.”
4. Even though the companion is indefinitely postponed, the first bill is put into the same procedural position that the second bill had when the first bill came over.

#### B. Referral to Committee

1. If the second bill is in committee, the companion is referred to that committee and is considered instead of the second bill. No further action is taken on the second bill. It dies by being left in committee when the session adjourns sine die.
2. When the Senate receives a House bill that is not awaiting floor action, it is given a first reading and is referred to the standing committee that has the Senate companion; if there is no Senate companion, the House bill is referred to the appropriate committee. Senate Rule 45.1.
3. When the House receives a Senate bill, the bill is referred to the appropriate standing committee. House Rule 1.15.

#### C. Substitution on the Floor

1. If the second bill is on General Orders, the Consent Calendar, or the Calendar, the first bill takes its place. The second bill is indefinitely postponed.
2. If the bills are identical, the substitution is easy.
  - a. If the Senate companion bill is awaiting action on the Senate floor, the House bill is referred to the Committee on Rules and Administration, which reports whether the House bill is identical to the Senate companion bill. If the bills are identical, the report recommends that the House bill be given its second reading and substituted for the Senate companion bill, thus indefinitely postponing the Senate bill. Senate Rule 45.1.
  - b. When a Senate bill is received by the house, a member may request that it be compared to a House bill that is awaiting action on the House floor. The bill referred to the Chief Clerk for comparison. If the Chief Clerk reports that the Senate bill is identical to the House bill, the Senate bill may, by majority vote, be substituted for the House File and take its place. House Rule 1.15.
3. If the bills are not identical, there is a procedure for deciding which version to work with. The Senate and House approach the issue in two different ways.
  - a. Senate Rule 45
    - (1) Senate rules require that the House bill automatically be amended to substitute the Senate language. It's as if you took the Senate file and changed its number to the House file number. Senate Rule 45.
    - (2) If the author would prefer to keep the text of the House language, the author may move on the floor to have the Rule 45 substitution stricken. This has the effect of using both the House File number and the House text of the bill.
  - b. House Rule 1.15



- (1) The author of the House file must choose whether to substitute the Senate file without amendment or to amend the Senate file. House Rule 1.15.
- (2) The amendment, if any, need not conform exactly to the House language. The author may propose an amendment that compromises some of the differences between the House and Senate language. House Rule 1.15.
- (3) The substitution for a bill that is not identical, with or without an amendment, is done by motion and approval by a majority vote. The motion is almost never opposed, but it is not automatic as it would be in the Senate. House Rule 1.15.

#### D. Laying a Bill on the Table

1. Sometimes the Senate or House leadership does not want a bill to be referred to committee when it comes over from the other body. Rather, they want to lay it on the table so that it may be considered on the floor without being referred to committee.
2. In the Senate, the Chair of the Senate Committee on Rules and Administration may make a motion to lay the House bill on the table without being referred to committee. Senate Rule 45.1.
3. House rules do not specifically authorize a Senate bill to be intercepted and kept on the floor. The Speaker may ask that the rules be suspended to permit the bill to be laid on the table or taken up immediately. The suspension requires a two-thirds vote. House Rule 1.15.

## II. Reconciling the Differences

### A. If There Are No Differences

1. Enrollment
  - a. If the bill passes the second house without any amendments, it is returned to the house of origin, which sends it to the Revisor of Statutes to prepare the “enrollment.” Joint Rule 2.07.
  - b. The enrollment is simply a clean version of the bill as it passed both bodies, except that it is entitled “An Act,” rather than “A bill for an act,” and it is printed on archival quality paper for permanent filing with the Secretary of State.
  - c. “Every bill passed by both houses shall be enrolled and signed by the presiding officer of each house.” Minn. Const. art. IV, § 20.
  - d. The Revisor secures the necessary signatures of the officers of both houses and presents it to the Governor.

### B. Concurring in Amendments

1. If the bill is amended in the second house, the author of the bill in the house of origin must decide whether to concur in the amendments by the second house.
2. If the author moves to concur and the motion is adopted, the bill is again given its Third Reading and placed on final passage.
3. When passed, it is sent to the Revisor to engross the amendments and prepare the enrollment.

### C. Receding from Amendments

1. On rare occasions, after the house of origin has voted not to concur in the amendments by the other body, the house of origin has second thoughts and decides that, rather than go to conference on the bill, it will concur in the amendments by the other body. The house of origin may request the other body to return the bill for further consideration. The house of origin may then concur in the amendments by the other body. Joint Rule 2.05.

## III. Conference Committees

- A. If the house of origin refuses to concur in amendments of the other body, the house of origin asks for a conference committee to be appointed. Then the bill is transmitted to the other body with a record of the action. If the other house does not recede from its amendments, it also appoints a conference committee. Then it returns the bill to the house of origin. Joint Rule 2.06.

- B. Appointment of a Conference Committee
  - 1. Three or Five Members from Each House
    - a. A conference committee is composed of either three or five members from each house.
    - b. The major appropriation and tax bills always have five members, as do other major bills, but other bills need only three.
    - c. The chief author of the bill is usually the lead conferee, and the other conferees usually worked on it in committee or were the authors of significant floor amendments.
    - d. Senate rules require that the conferees be members “who are in accord with the position of the Senate,” so members who voted against the bill are rarely, if ever, included on the conference committee. Sometimes, a member who has serious reservations about the bill will vote in favor of it on final passage just to make it possible to earn a seat on the conference committee. Senate Rule 46.2.
  - 2. Appointing Authority
    - a. In the senate, conference committee appointments are made by the Subcommittee on Conference Committees of the Committee on Rules and Administration. The committee is comprised of three members and is chaired by the Senate Majority Leader. One member must be a member of the minority. Senate Rule 46.1 & 46.2.
    - b. Conference committee appointments in the House are made by the Speaker.
- C. Meetings
  - 1. The length of the conference committee and the number of times the conference committee meets depends on a variety of factors, including complexity of the bill, degree of differences, and timing during session. Conference committees on the tax and appropriation bills often meet for weeks.
  - 2. The Senate and House chairs may instruct their staff to work together to compare the two versions of the bill. The Revisor of Statutes prepares a side-by-side comparison of the text of the two bills. Staff may also prepare documents to assist the conference committee, including documents summarizing the main points of each version, either side-by-side or in narrative form.
  - 3. Open Meetings
    - a. Meetings of the whole conference committee must be open to the public. As much as practical, conference committee meetings must be announced as far in advance as possible, with the intent to provide a 24-hour notice. Actions taken by the conference committee must be agreed upon in an open meeting. Joint Rule 2.06.
  - 4. The lead conferee from the house of origin normally chairs the first meeting. After that, the chair rotates between the Senate and the House each day (except Sundays). Joint Rule 2.06.
  - 5. What Each Side Wants and Needs
    - a. One purpose of the staff preparation is to help the members determine what each side wants and needs in the bill.
    - b. At the initial meetings of the conference committee, staff usually identify the issues on which the two houses agree and disagree. Often, the first step is to decide on issues that are the same or similar in both bills. Then members begin to explain, defend, and advocate their positions. As members develop a sense of what is in both bills, why the other body chose a different approach, and the issues on which the other body feels most strongly, they begin to offer compromises.
  - 6. Conferees Must Agree on a Base Document
    - a. The first issue to be resolved is usually which document the committee will work with. The committee may choose to start with the House bill and amend it, the Senate bill and amend it, or start a new document. Often they agree to begin with a new document.

- b. Just because language on an item is the same in both bills does not necessarily mean the conferees will agree to include it in the conference report, but that is usually where they start.
- 7. Voting Is by a Majority of Each House
  - a. Action by the conference committee requires the affirmative vote of a majority of the members from each house. In the case of a ten member conference committee, that means three senators and three representatives.
  - b. Nothing is included in the conference committee report unless it is agreed to by three senators and three representatives.
- 8. Amendments Must be Germane
  - a. There are limits on the amendments that may be accepted in conference committee.
  - b. “A Conference Committee report must be limited to provisions that are germane to the bill and amendments that were referred to the Conference Committee. A provision is not germane if it relates to a substantially different subject or is intended to accomplish a substantially different purpose from that of the bill and amendment that were referred to the Conference Committee.” Joint Rule 2.06.
  - c. “A Conference Committee report may not appropriate a larger sum of money than the larger of the bill or the amendments that were referred to the Conference Committee unless the additional appropriation is authorized by the Speaker of the House of Representatives and the Majority Leader of the Senate.” Joint Rule 2.06.
  - d. “A Conference Committee report may not delegate rulemaking to a department or agency of state government or exempt a department or agency of state government from rulemaking unless the delegation or exemption was included in either the bill or the amendment that was referred to the Conference Committee.” Joint Rule 2.06.
  - e. “A Conference Committee report may not create a new commission, council, task force, board, or other body to which a member of the legislature may be appointed unless the body was created in either the bill or the amendment that was referred to the Conference Committee.” Joint Rule 2.06.
  - f. The House has an additional rule governing the content of conference committee reports. “A conference committee report must include only subject matter contained in the House or Senate versions of the bill for which that conference committee was appointed, or like subject matter contained in a bill passed by the House or Senate.” House Rule 6.40. The House rule is less strict than the Joint Rule, so the House rule would seem to have no practical effect, except to confuse members and others about what is permitted.
- 9. One way or another, most conference committees will agree on enough issues to conclude they have an agreement, and the conference committee report is drafted. Sometimes, no agreement can be reached and the bill dies in conference committee.
- D. Conference Report
  - 1. Portions of the conference report may have been completed as a result of earlier negotiations. Now the entire report is assembled. This is usually done in the form of a delete-everything amendment so that the entire agreement is in one place for all to see.
  - 2. The conference report is limited to a set of amendments to the bill as it passed the house of origin.
  - 3. Regardless of which staff have been working on the bill up to this point, the conference committee report must be drafted and approved by the Revisor of Statutes. Proofing the draft may take a day or more.
  - 4. When there are no more changes or corrections, the report is circulated for signature, first to the lead conferee in the house of origin, then to the other members of that house, then to the lead conferee and other members in the second house.

5. When all the necessary signatures have been obtained, the report is returned to the Revisor's office, which delivers it to the desk in the house of origin. Staff of the Senate and House desks arrange for copies to be made for the members of their respective houses. A copy of the conference committee report is posted on the Legislature's Web site at: <https://www.revisor.mn.gov/reports/conference/>.
6. Debate
  - a. In the Senate, debate on a conference report may begin as soon as the report has been posted on the Web.
  - b. "Debate on the report of a conference committee is in order at any time after the report has been made available electronically or printed and placed on the desk of each member, or at an earlier time agreed to by a majority of the whole Senate." Senate Rule 36.11.
  - c. In the House, "The member presenting the conference committee report to the House must disclose all substantive changes from the House version of the bill." This not only reveals the compromises the House has had to make with the Senate on the issue referred to conference, it also should reveal any new matters added by the conferees on their own motion. House Rule 6.40.
7. Action
  - a. Except in the closing days of a session, a conference report may not be acted upon until 12 hours after it was posted on the Web or placed on the members' desks.
  - b. "Except after the last Thursday on which the Legislature can meet in regular session in odd-numbered years, and after the last Thursday on which the Legislature intended, when it adopted the concurrent resolution required by Rule 2.03, to meet in regular session in even-numbered years, a written or electronic copy of a report of a Conference Committee shall be placed on the desk of each member of a house, or delivered electronically, twelve hours before action on the report by that house." Joint Rule 2.06.
8. Considered First in the House of Origin
  - a. The conference report is considered first in the house of origin. It may not be amended.
  - b. Those who are not satisfied with the agreement may move to reject the conference report and return the bill to the conference committee as previously constituted, or they may move that the conference committee be discharged and a new conference committee appointed.
  - c. While final passage of the bill as amended by the conference report requires a majority of the whole house, the conference report may be rejected by a simple majority of those present and voting.
  - d. The motion to reject is seldom successful, however, since it is usually too late to develop a new agreement, draft a new report, have copies made and distributed, and take another vote before final adjournment.

## Approval by the Governor

### I. Presentment

- A. Before a bill may become a law it must be presented to the Governor for his or her consideration.
- B. "Every bill passed in conformity to the rules of each house and the joint rules of the two houses shall be presented to the governor." Minn. Const. art. IV, § 23.
- C. "Each order, resolution or vote requiring the concurrence of the two houses except such as relate to the business or adjournment of the legislature shall be presented to the governor and is subject to his veto as prescribed in case of a bill." Minn. Const. art. IV, § 24.

- D. “The Revisor of Statutes shall obtain the signatures and certificates of the proper officers to the enrollment. A joint resolution applying to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States, ratifying an amendment to the Constitution of the United States, proposing an amendment to the Minnesota Constitution, or prescribing the compensation of judges shall not be presented to the Governor for approval but shall be deposited by the Revisor of Statutes with the Secretary of State. All other enrollments shall be presented to the Governor for approval.” Joint Rule 2.07.

## II. Time Limits

### A. More Than Three Days Before Adjournment

1. If the bill passed the second house more than three days before adjournment sine die in the second year of the biennium, the Governor has three days (Sundays excepted) from the day it is presented to him to sign or veto it.
2. If he does not return the bill to the house of origin within three days (Sundays excepted), it becomes law without his signature and is filed with the Secretary of State, unless the legislature adjourns which prevents the bill from being returned. Minn. Const. art. IV, § 23.

### B. The Last Three Days Before Adjournment

1. If the bill passed the second house during the last three days before adjournment sine die in the second year of the biennium, it must be presented to the Governor within three days after adjournment sine die and becomes a law if it is signed and filed with the Secretary of State within 14 days following adjournment. Otherwise, it is “pocket vetoed” and does not become a law. Minn. Const.art. IV, § 23.

## III. Vetoes

### A. Returned to the House of Origin

1. If the Governor intends to veto a bill that is not subject to a pocket veto, he must return the bill with his veto message to the house of origin. Minn. Const. art. IV, § 23.
2. The veto is not effective until the bill has been received by the house of origin.

### B. Item Veto of Appropriations

1. If a bill presented to the Governor contains several items of appropriation of money, he or she may veto one or more of the items while approving the bill. At the time he or she signs the bill, the Governor must append to it a statement of the items he or she vetoes and the vetoed items do not take effect. Minn. Const. art. IV, § 23.

## IV. Overriding a Veto

### A. Two-Thirds Vote

1. Once a vetoed bill has been returned to the house of origin, it may become law despite the Governor’s veto if repassed by a vote of two-thirds of the members of each house.
2. “If, after reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the governor’s objections, to the other house, which shall likewise reconsider it. If approved by two-thirds of that house it becomes a law and shall be deposited in the office of the secretary of state.” Minn. Const. art. IV, § 23.

### B. Appropriation Items Considered Separately

1. If the governor has vetoed one or more items of appropriation of money and the Legislature is in session, the Governor must transmit to the house of origin a copy of the statement of the items vetoed, and the items vetoed must be separately reconsidered.
2. If, on reconsideration, any appropriation item is approved by two-thirds of the members elected to each house, it is a part of the law despite the veto.

3. “If the legislature is in session, he shall transmit to the house in which the bill originated a copy of the statement, and the items vetoed shall be separately reconsidered. If on reconsideration any item [of appropriation of money] is approved by two-thirds of the members elected to each house, it is a part of the law notwithstanding the objections of the governor.” Minn. Const. art. IV, § 23.

## V. Effective Date

- A. When a bill has been approved by the governor, or repassed over his veto, it is enacted but not yet effective. The effective date provides when the bill will become effective. A law becomes effective at 12:01 a.m. on the day it becomes effective. Minn. Stat. § 645.02.
- B. Default effective dates
  1. General law provides that all laws become effective on August 1, unless otherwise provided. Minn. Stat. § 645.02.
  2. General law also provides that an act containing an appropriation takes effect on July 1, the start of the state’s fiscal year. The entire act, and not just the sections containing appropriations, is effective July 1. Minn. Stat. § 645.02.
- C. Other Effective dates.
  1. If an effective date other than July 1 or August 1 is desirable, it must be stated in the bill.
  2. Immediate Effective Dates
    - a. While it is desirable that laws be published before they become effective, so that those who will have to comply with them will have advance notice of their requirements, there are some laws that need to become effective immediately.
    - b. The standard language for an immediate effective date provides that the act is effective “the day following final enactment.”
  3. Delayed Effective Dates.
    - a. In some situations, it is desirable to have a bill become effective further into the future to allow for preparation and adjustments to be made prior to the bill becoming effective. The future date must be stated in the bill.
  4. Contingent Effective Dates.
    - a. Contingent effective dates delays the effective date until a specific event or action, which must be specified. One example of a contingent effective date is a local law.
  5. Retroactive Effective Dates.
    - a. There is a presumption against retroactive effective dates. “No law shall be construed to be retroactive unless clearly and manifestly so intended by the legislature.” Minn. Stat. § 645.21.
    - b. However, retroactive dates are sometimes used. The standard language for a retroactive effective date is to say that the act “is effective retroactively from” a specified date.

## Special Procedures During the COVID-19 Pandemic

### I. Generally

- A. During the COVID-19 pandemic that began in the Spring of 2020, both houses amended their respective rules to facilitate remote voting and participation in other aspects of the legislative process, both in committee and on the floor. Senate Rules 12.1, 40.7, and 40.8. House Rule 10.01.

### II. When in Effect

- A. Both chambers authorize remote participation only so long as a gubernatorial peacetime emergency related to COVID-19 remains in effect.
  1. The House also limits remote participation by allowing it only through January 31, 2021. House Rule 10.01.

2. The Senate rule does not contain a similar limitation. Senate Rules 12.1, 40.7, and 40.8.

### III. Remote Committee Work

- A. While in effect, the relevant rules of both chambers authorize remote participation and voting in committee.
- B. Senate requirements:
  1. Committee meetings must be held in a manner that ensures that all members of the committee and witnesses participating in the hearing can see and hear one another. Senate Rule 12.1.
  2. Committee meetings must be contemporaneously available electronically to the public. Senate Rule 12.1.
  3. The committee notice for the hearing must specify how members of the public may access and monitor the meeting. Senate Rule 12.1.
- C. House requirements:
  1. Committee meetings held by alternate means must provide the public with an opportunity to provide testimony. House Rule 10.01.

### IV. Remote Floor Votes

- A. While in effect, the relevant rules of both chambers authorize remote floor votes.
- B. Senate procedure:
  1. “[A] member may authorize a designee chosen by the respective caucus leader to vote on the member's behalf while the member is at a location outside of the Senate chamber. When a member assigns the member's vote to a designee under this rule, the designee shall vote on the member's behalf as directed by the member on each question.” Senate Rule 40.8.
  2. The Secretary of the Senate is authorized to adopt procedures to ensure the accurate and efficient administration of remote voting. Senate Rule 40.8.
- C. House procedure:
  1. The House rules simply state that floor votes may be made “by means of distance voting, remote electronic voting, or voting by other means designed to allow legislative operations while preserving the safety of the public, staff, and members,” but only at the direction of the Speaker of the House after consultation with the minority leader and majority leader. House Rule 10.01.