

Legislative Process in Minnesota

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January 22, 2010

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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 master the art of bilocation (being in two different places at the same time), since there are two moving targets to keep track of.

2. Two Authors Who Can Work Together

- a. Every bill must have, not only an author in one body, but also an author in the other body.
- b. The two chief authors must 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 seeing a bill passed, you must give thought to who will be able to carry it successfully in each body and to whether they 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 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.
4. 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 indefinitely postponed.

C. Getting an Author

1. Individual Authors

- a. **Senate Five-Author Limit.** The Senate rules limit the number of authors of a bill to five. “The number of authors may not exceed five.” Senate Rule 3.2
- b. **House 35-Author Limit.** The House rules limit the number of authors of a bill to 35.

“A bill, memorial, or resolution must not have more than 35 authors. After a bill or resolution is introduced and given its first reading: (a) a member may be removed as an author, by motion of the member; and (b) a member wishing to be an author may be added as an author, by motion of the author of the bill or resolution.” House Rule 1.12

- c. **Duplicate Bills.** 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.
- d. **“By Request.”** 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 but rather shall lie over one day before being given its second reading.” Senate Rule 4.8
- c. **House Rules.** “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 or, if recommended by the

D. Deadline For Bill Introductions

1. The House has rules that impose deadlines for the introduction of bills.
2. “A bill or resolution must be submitted to the Speaker at least 24 hours before the convening of the daily session at which it is to be introduced.” House Rule 1.10
3. “In regular session, a bill prepared by a department or agency of state government must be introduced and given its first reading at least ten days before the date of the first committee deadline.” House Rule 1.10

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 what is called 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, when the Democrats took over the Senate for the first time since statehood, they changed the procedure. 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.” Because the agenda takes time to prepare and print, a bill must be filed with the Secretary or Chief Clerk at least a day before the day on which it will be given its first reading. For example, for a bill to be introduced in the Senate on Monday, it must be filed with the Secretary of the Senate by the preceding Friday morning at 11 a.m.
- 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.
 - 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.

 - (a) The first report, called the first reading, is made when it has been received for introduction.
 - (b) 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.
 - (c) 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. **Presiding Officer.** As soon as a bill has received its first reading, the presiding officer refers it to a standing committee for further consideration.

B. Committee Jurisdictions

1. **Descriptive Name.** 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. Committee jurisdictions in the House are set by the Speaker, who publishes a list of the committees to be appointed.

2. **Senate Jurisdiction List.** 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.

C. 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.

2. "Except as otherwise provided in these Rules, after the Speaker refers a bill or resolution, a majority vote of the whole House is required for the House to re-refer the bill or resolution." House Rule 1.11

D. President of the Senate

1. **Any Member May Object to a Referral.** In the Senate, the power of the President over bill referrals is limited. The President does not organize the Senate or appoint its committees. When a bill is introduced in the Senate, Rule 4.10 provides that any member may question the referral made by the President.

2. **Rule 4.10.** "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."

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.
 - (1)** 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.
 - (2)** If your bill is on the agenda, you should be there. Ask the legislative assistant to the chair to notify you of the meeting.
- b.** The recommendations of the Rules Committee are not effective until they are adopted by the whole Senate. The Rules Committee's report is never rejected or amended on the floor.

Committee Consideration

I. WHERE THE ACTION IS

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 completely 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 remains as created in committee. The committee is where the action is.

II. REFERRAL TO SUBCOMMITTEE OR DIVISION

A. When Required

1. Many 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 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. Ad Hoc Subcommittees. 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.

B. “All meetings of the Senate, its committees, committee divisions, and subcommittees are open to the public. A meeting of a caucus of the members of any of those bodies from the same political party need not be open to the public. A caucus of the Hennepin County, Ramsey County, or St. Louis County delegation is open to the

public. For purposes of this rule, a meeting occurs when a quorum is present and action is taken regarding a matter within the jurisdiction of the body.” Senate Rule 12.1

- C. “Meetings of House committees must be open to the public except for executive sessions that the committee on ethics considers necessary under Rule 6.10.” House Rule 6.21
- D. “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. **Written Request.** Most committee chairs will not schedule a bill for a hearing unless they have received from the chief author a written request.
- B. **Requests that are Denied**
 - 1. A committee chair is supposed to schedule a hearing on every bill for which a written request is made.
 - 2. Sometimes a committee chair will dodge or deny a hearing request. The chief author is entitled to complain to the Speaker or the Senate Majority Leader about the refusal to schedule a hearing. The Speaker or Majority Leader may, or may not, press the committee chair to grant the hearing.
 - 3. **Senate Rule 5.2**
 - a. A chief author in the Senate may ask the Committee on Rules and Administration to remove the bill from the committee and refer it to another committee or place it before the full Senate.
 - b. “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
 - 4. **House Rule 4.31**
 - a. A chief author in the House may demand that the bill be returned to the possession of the House.

- b. “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

C. Scheduling a Time

1. The time when a bill will be heard is worked out in negotiations between the chief author and the committee chair.
2. A committee chair who is not favorably disposed to a bill may offer a hearing, but at a time other than when the bill’s supporters can all be prepared and present to defend it.

D. Notice of the Hearing

1. 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.
2. 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://leg.state.mn.us/leg/legis.asp>.

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.
 - a. “Mr. Chairman” or “Mr. Chair”
 - b. “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 Representative 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 “speak only to the question under debate and avoid personality.” Senate Rule 36.2

B. Explanation

1. **Author.** The hearing on a bill normally begins with the chief author explaining the overall purpose and intent of the bill.
2. **Experts.** Then the author, or an executive branch official or lobbyist who has worked on the bill, will explain the bill in detail, section by section.
3. **Proponents.** After the explanation is completed, the chair will call for testimony from other supporters of the bill.
4. **Opponents.** When the proponents of the bill have finished their testimony, the chair will call for testimony from the bill’s opponents, if any. On controversial bills, the chair may schedule the proponents and opponents on different days, to minimize the danger of a physical confrontation between the two groups.

C. Discussion

1. During and following the explanation of the bill, members of the committee will question the author and the bill’s supporters about its provisions.
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. Amendments

a. Author's Amendments

- (1)** 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.
- (2)** 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.”
- (3)** 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.

b. Other Amendments.

- (1)** Only members of the committee may propose amendments to the bill.
- (2)** The amendments are considered in the order in which they are offered.

2. Committee Recommendation

- a.** When the committee has completed action on all proposed amendments, a member moves that the bill, “as amended, be recommended to pass.”
- b.** The recommendation may also include that the bill be referred to another named committee.

E. Roll Call Votes. The chief author, or any member of the committee, may ask for a roll call vote on any motion.

1. “Upon the request of a member of a committee, subcommittee, or division to which a bill has been referred, or upon the request of the chief author of the bill, a record must be made of the vote on the bill or any amendment in the committee, subcommittee, or division.” Senate Rule 12.9

“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. “A member of a committee may demand a roll call on any bill, resolution, report, motion or amendment before the committee. If a demand is made, the roll must be called. 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

3. “The committee and subcommittee minutes must include:

...

d. [T]he result of a vote on the motion and, on a roll call vote, the names of those in favor and those opposed” House Rule 6.24

F. Voice votes. If no one 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. The proceedings of each committee and subcommittee are recorded on electronic media, and the chair’s secretary prepares minutes of the meeting.

1. “The Secretary shall cause to be recorded on electronic media the proceedings of . . . each standing committee, subcommittee, and division.” Senate Rule 50.1
2. “Within one week after each meeting of a standing committee, subcommittee, or division, the Secretary shall make the electronic record of the meeting available to the Legislative Reference Library, together with an agenda showing bills considered and any action taken on them.” Senate Rule 50.3

3. “Upon completion and approval of the minutes of the meeting, the Secretary shall promptly deliver a copy of the minutes to the Legislative Reference Library.” Senate Rule 50.4
4. “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
5. “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.

...

Audio recordings of Committee and Subcommittee meetings must be made available for public use by the end of the business day following each meeting. The chair of a committee who elects not to release the recording of a committee meeting until the minutes of the meeting are approved by the committee must make a copy of the recording available by the end of the next business day after a written request for it is made to the committee. The House must keep the recordings of committee meetings available for public use during the legislative biennium in which they were created and, at the end of the legislative biennium, must transmit a copy of the recordings to the Director of the Legislative Reference Library.

....

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.

A. Governmental Operations

1. “All bills delegating rulemaking to a department or agency of state government and all bills exempting a department or agency of state government from rulemaking, when referred to and reported by any other than the Committee on State and Local Government Operations and Oversight, must be referred before passage to the Committee on State and Local Government Operations and Oversight.” Senate Rule 4.5

2. “All bills creating a new commission, council, task force, board, or other body to which a member of the legislature will be appointed must be referred before passage both to the Committee on State and Local Government Operations and Oversight and to the Committee on Rules and Administration.” Senate Rule 4.6

3. “The Committee on State and Local Government Operations Reform, Technology and Elections has jurisdiction over a House or Senate bill that: (a) establishes or reestablishes a department, agency, commission, board, task force, advisory committee or council, or bureau, or other like entity; (b) delegates rulemaking authority to, or exempts from rulemaking, a department or agency of state government; or (c) 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.

Except as otherwise provided in this Rule and Rule 1.15, a bill that is within the jurisdiction of the Committee on State and Local Government Operations Reform, Technology and Elections must be referred to that Committee before it receives its second reading. A committee (other than the Committee on State and Local Government Operations Reform, Technology and Elections) reporting such a bill must recommend its re-referral to the Committee on State and Local Government Operations Reform, Technology and Elections if reporting before the deadline for action on the bill by that Committee; if reporting after the deadline, the committee must recommend re-referral to the Committee on Rules and Legislative Administration.

The re-referral requirements of this Rule do not apply to the major finance and revenue bills identified in Rule 4.03. If a major finance or revenue bill contains a provision specified in clauses (a) or (b) of the definition in this Rule, the chair of the finance or tax committee reporting the bill must notify the chair of the Committee on Rules and Legislative Administration before the bill is considered by the House.

The re-referral requirements of this Rule do not apply to other bills reported by a finance committee or the tax committee, except bills that contain a provision specified in clauses (a) and (b) of the definition in this Rule.” House Rule 4.13

B. Constitutional Amendments. “A House or Senate bill that proposes a constitutional amendment must be referred to the Committee on Rules and Legislative Administration before it receives its second reading.” House Rule 4.15

C. Criminal Penalties. A bill that creates a felony is referred in the Senate and House to the Committee on Judiciary.

“All bills authorizing or increasing a sentence of imprisonment to a state correctional

institution must be referred before passage to the Committee on Judiciary.” Senate Rule 4.7

- D. State Debt.** “Except as provided in Rule 1.15, a House or Senate bill that directly and specifically affects debt obligations or capital projects of the state must be referred to the Finance Committee Division on Capital Investment before the bill receives its second reading.” House Rule 4.12

E. Appropriations

1. “All bills appropriating money, or obligating the state to pay or expend money, or establishing a policy which to be effective will require expenditure of money, when referred to and reported by any other than the Committee on Finance, must be referred before passage to the Committee on Finance.” Senate Rule 4.4

2. “(a) Except as provided in Rule 1.15, a House or Senate bill that directly, substantially, and specifically affects any present or future financial obligation, budget policy, or revenue of the State must be referred as provided in paragraphs (b) and (c) to the appropriate Finance or Tax Committee before the bill receives its second reading. A bill that negligibly affects any present or future financial obligation, budget policy, or revenue of the State is not subject to mandatory referral under this rule.

(b) A bill subject to paragraph (a) reported by a Finance Committee division must, if recommended to pass, be subsequently referred to the Finance Committee, unless the bill has a negligible fiscal impact and is subject to direct reference to the Floor under Rule 6.05. Bills subject to paragraph (a) reported by the Finance Committee must be referred to the Committee on Ways and Means.” House Rule 4.10

- F. Taxes.** “(c) 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. For purposes of this paragraph, "tax" excludes any fee, charge, exaction, or assessment, a primary purpose of which is to recover direct or indirect costs incurred by the state or other governmental entity or as a payment for benefits received.” House Rule 4.10(c).

G. 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.

2. “A member may question the proper reference of a bill at the time the bill is reported by a standing committee to which it was previously referred. 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 21
3. 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.
 1. “With the concurrence of the chief author of the bill, before the 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.” Senate Rule 5.1
 2. “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
- B. 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.
- C. When any of those three disagree, it is an “unfriendly” motion. It is considered to be an attack on the committee structure and all members of the majority caucus are expected to vote against the motion. Further argument on the question is carried out within the Rules Committee.

VIII. COMMITTEE DEADLINES

- A. **Joint Rule 2.03.** 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 four

separate committee deadlines.

1. Bills in the House of Origin

- a.** The first deadline is the date by which committees in the house of origin must complete action on bills other than the omnibus appropriations bills.
- b.** It is usually six or seven weeks before the anticipated date of adjournment.

2. Bills in the Other House

- a.** The second deadline is the date by which committees in the other house must complete action. This is usually a week or two after the first deadline.
- b.** The second deadline permits action on a bill if its companion has made the deadline in the other body.

3. Appropriation Bills in Division

- a.** The third deadline is the date by which the divisions of the House and Senate Finance Committees must complete action on omnibus appropriation bills.
- b.** It is usually a week or two after the second deadline.

4. Appropriation and Tax Bills in Committee

- a.** The fourth deadline is the date by which the Finance, Tax, and Ways and Means Committees must complete action on the omnibus appropriation and tax bills.
- b.** It is usually about a week after the third deadline.

- 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. SECOND READING

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 file (or House file).

II. ENGROSSING

A. Incorporating Amendments into a Clean Version of 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. That is, that 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.
4. If the bill has had its Second Reading, it is then ready for floor debate.

III. SENATE GENERAL ORDERS AND CALENDAR

A. Senate General Orders

1. **A List of Bills Ready for Floor Debate and Amendment.** 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 showing each bill's file number, its title, authors, and its procedural history so far in the body.
2. **White Paper.** This list is printed on white paper and called "General Orders."
3. **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
4. **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. **The Whole Body Meeting as a Committee.** Bills on General Orders are considered in the Committee of the Whole, which is the whole Senate meeting as a committee.
2. **Another Member Presides.** The President appoints some other member to preside over each meeting of the Committee of the Whole.

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. Fewer Roll-Call Votes. Traditionally, one of the primary purposes of the Committee of the Whole was to avoid roll-call votes before final passage.

- a. The Constitution requires a roll-call vote on final passage.
- b. In the Senate, it takes three members to demand a roll-call vote in the Committee of the Whole, but only one member to demand a roll-call on any other question.
- c. 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.
- d. 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.
- e. “Three members may request a roll call vote. The vote must be recorded in the Journal along with the amendment.” Senate Rule 23.4

- f. In 1999, when Republicans took control of the House of Representatives for the first time since 1986, they abolished the Committee of the Whole.

C. Senate Calendar

1. A List of Bills That Have Passed the Committee of the Whole

- a. **Yellow.** 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. One-Day Lie-Over

- a. Bills on the Calendar must lie over for a day before they are voted on for final passage.
- b. "The Calendar must be electronically available or printed at least one calendar day before the matters on it are considered." Senate Rule 24.2

- 3. **Little Debate.** 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.

- 4. **Third Reading.** The bill is given its "Third Reading" by the Secretary of the Senate reading its title aloud.

- 5. **Final Passage.** 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, except those placed on the Consent Calendar under Rule 1.23. 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. **Prepared by the Rules Committee.** The Calendar for the Day is prepared by the Rules Committee.
2. **5:00 P.M. Deadline.** 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.
3. **Motion by a Member.** 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, the member who will make the motion must notify the Speaker three legislative days before making the motion, and the motion must be supported by a three-fifths vote of the whole House (81 votes).
4. **Considered in Order.** Bills must be considered in the order in which they appear on the calendar.
5. **No Lie-Over.** After consideration, unless otherwise disposed of, the bill is immediately given its third reading and placed on final passage.
6. **Three Strikes and You’re Out.** “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.

V. CONSENT CALENDAR

- A. **Pink.** There is one category of bills that have been given their Second Reading that do not appear on General Orders in the Senate or on the General Register in the House. Rather, they appear on a separate list, printed on paper colored pink on the

Senate's Web site, called the Consent Calendar.

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."
2. "If a committee determines that a bill it recommends to pass is not likely to be opposed, the committee may recommend that the bill be placed on the Consent Calendar." Senate Rule 25.1
3. "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
4. "If a committee or division determines that a bill it recommends to pass is not controversial, the committee or division may in its report recommend that the bill be placed on the Consent Calendar." House Rule 1.23

C. Not Considered in the Committee of the Whole. 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. No Lie-Over After Debate. 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" Senate Rule 25.4
2. "[I]f, before its third reading, ten members object to the bill as being controversial, the bill must be stricken from the Consent Calendar and be placed on the General Register in the order of second reading." House Rule 1.23

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. Special Orders don’t usually occur until later on in the session, when time is drawing short and General Orders is crowded with bills.
3. The omnibus tax and appropriation bills are reported out of committee and the leadership wants to expedite their consideration on the floor, so they can begin their long consideration in conference committee.
4. Other important bills likewise need to be moved along, and members begin to worry that their bills will be considered too late to allow them to be considered by the other body.

B. Designating Special Orders

1. Special Orders are designated by the Chair of the Committee on Rules and Administration (who also is the Majority Leader). There is no motion and no vote on making a bill a Special Order.
2. “The Chair of the Committee on Rules and Administration, or the Chair’s designee, may designate a special order for a bill that has been given its second reading.” Senate Rule 26.1

C. List. 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. No Lie-Over Between Amendment and Final Passage. A bill on Special Orders is debated, amended, and placed on final passage immediately. There is no lie-over to allow the amendments to be engrossed.

E. Three Strikes and You’re Out. “A bill may not be made a special order if the chief author has declined on three previous occasions to take the bill up after it was designated a special order.” Senate Rule 26.7

VII. FINANCE AND REVENUE BILLS

A. 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.

B. “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

C. 5:00 P.M. Deadline

1. 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.
2. When the 5:00 p.m. deadline does not apply, the chair must announce the intention at least two hours before making the request.

VIII. 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, it takes three members to demand a roll-call vote in the Committee of the Whole, but only one member to demand a roll-call on any other question.
- b. “At any time before the start of voting on a question, a member may request a roll call vote, which must be entered in the Journal.” Senate Rule 40.3
- c. In the House, it takes 15 members to demand a roll-call vote on any other question.
- d. “A roll call vote is required to pass a bill or to adopt a resolution or motion directing the payment of money. In all other cases a roll call

vote may be ordered only if 15 members demand it.” 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, most 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. In committee, a division is taken by a show of hands. On the floor, there are many more members and the Chamber is a much larger room, so it is easier to count if the members stand up, rather than raising their hands.

IX. AMENDMENTS

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.

A. In Writing

1. Any member may demand that it be in writing, so nothing but the simplest last-minute amendment is ever offered unless it is in writing.
2. “A motion or amendment must be written if a member requests.” Senate Rule 27.1

B. Approved by the Engrossing Secretary

1. In the Senate, every amendment must be approved as to form before it may be offered.
2. 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.”

C. Copies for All Members Made by the Desk

1. A copy must be available for anyone who requests it. That used to mean a copy for everyone in the Chamber. With many members now relying on their laptop computers to view amendments, fewer are requesting a paper copy.
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 your amendment approved by the Engrossing Secretary and then have copies made. So, don't assume that you will be able to get even a simple amendment drafted, approved, and copied in time to have it offered if you wait until the last minute. Better to plan ahead and have it done before the session begins.

D. Germaneness in the Senate

1. **A Two-Part Test.** In addition to the procedural requirements, there are just a couple of substantive requirements for amendments. First, the amendment must be "germane." Under Senate Rule 35, germaneness is a two-part test.
 - a. **Different Subject.** 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. **Different Purpose.** 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. **Decided by the President**
 - a. 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.
 - b. In recent years, the President and the body have used the germaneness rule to rule a number of amendments out of order. Some adverse rulings have been avoided by members who have consulted the

President in advance about amendments whose germaneness was in doubt.

3. “A non-germane amendment includes one that relates to a substantially different subject, or is intended to accomplish a substantially different purpose, than that of the original bill to which it is proposed.” Senate Rule 35.2
4. “An amendment to insert a constitutional amendment is not germane to a bill that does not already include a constitutional amendment.” Senate Rule 35.3
5. “Whether an amendment is germane is to be decided by the President, who may put the question to the body if the President chooses.” Senate Rule 35.4
6. “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
7. “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

E. 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. There is no test relating to the object or purpose of the amendment. It could be intended to accomplish a totally different or contrary purpose from that of the bill to which it was being amended and still be germane.

2. Decided by the Presiding Officer

- a. Whether an amendment is germane is decided by the presiding officer, who may put the question to the body to decide.

- b. “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.

F. Third-Degree Amendments Prohibited

1. Besides being germane, the second substantive requirement for an amendment is that it 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.

X. DEBATE

A. Avoiding Personality

1. During debate on an amendment or other question, the presiding officer attempts to keep discussion focused on the issue at hand. After all, the purpose of a legislative body is to debate and decide questions of public policy, not to throw stones at each other. The debate should produce light, not heat, and one of the easiest ways to produce heat is to permit the members to question each other’s motives.
2. As required by Senate Rule 36.2, the presiding officer will occasionally have to remind the members to “speak only to the question under debate and avoid personality.” The House does not have a similar rule.

B. Compelling Attendance. 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.”

1. 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 call may not be imposed after voting has commenced.” Senate Rule 38.5

2. 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

XI. MOVING THE PREVIOUS QUESTION

A. U.S. Senate. The United States’ Senate sometimes has trouble bringing debate to a close. It takes 60 votes to close debate, and on the most contentious issues, 60 votes are not attainable. Filibusters have paralyzed the U.S. Senate again and again.

B. Minnesota.

- 1. **Never Done.** Both houses of the Minnesota Legislature allow a simple majority to close debate, and filibusters have not been a problem. But the motion to close debate is almost never made. If it is made in the Senate, peer pressure causes it to be withdrawn without a vote. Why?
- 2. **Self-Restraint.** There is a tradition in the Senate of allowing unlimited debate. Efforts are made on major bills to schedule the amount of time necessary, and sometimes debate continues into the wee hours of the morning. But when the members have said enough, they vote. The members know that they can speak their peace, but they also know they must stay and listen to everyone else. This encourages them to exercise self-restraint.

3. In addition, Rule 36.2 requires them to speak only to the question under debate, so reading the phone book would be ruled out of order.
4. Finally, the fact that, at anytime, a simple majority could move the previous question and end debate may also serve to deter them from testing the patience of their colleagues.
5. “If 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
6. “The 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.” House Rule 3.13

XII. EXCUSES FROM VOTING

- A. **Excuses Are Rare.** 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. But when it is time to vote, excuses from a particular vote are rare. Members have worked hard to earn the right to vote on questions of public policy, and the body expects each member 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 and expect a good explanation of the reason for the request. Out of thousands of votes a session, only two or three will be excused in this way. Sometimes the voting board will remain open for hours while the last few members make up their minds.
- B. “Every member who is in the Senate Chamber during a roll call shall vote upon the request of another member unless excused by the Senate.” Senate Rule 41.1
- C. **Conflicts of Interest**
 1. House Rule 2.05 expressly bars a member from voting on a question if the member “has an immediate interest” in it.”
 2. “A member who has an immediate interest in a question must not vote on it.

Every 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.” House Rule 2.05

XIII. DECLARING AN URGENCY

- A. Two-Thirds Vote.** 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.
- B.** “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
- C. Omnibus Bills.** Declaring an urgency is a frequent practice with the omnibus appropriation and tax bills.
 - 1.** The house of origin has been working on its own bill for months.
 - 2.** By agreement between the two bodies, each house will pass about half of the omnibus bills originating in the other body (after amending them to contain the text from the bill in the second house).
 - 3.** As soon as the bill comes over from the other body, the house is ready to pass it, as amended, without waiting another two days.
 - 4.** The omnibus bills will require a week or more in conference committee, and time is too precious at the end of the session to wait two more days, if the wait can be avoided.

XIV. 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 and then taking a roll-call vote on final passage.
- B.** “An amendment is not in order to a bill on the Calendar or after third reading without the unanimous consent of the Senate unless it fills a blank, amends the title, is proposed to the chief author of the bill by the Revisor of Statutes to correct technical defects found by the Revisor while engrossing earlier amendments to the bill, or is proposed to a bill on the Consent Calendar before the bill is given its third reading.” Senate Rule 33.5
- C.** “An 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

XV. FOLLOWING THE ACTION

A. Copies of Bills

1. **Paper Copies.** A copy of any bill pending in the body is available from the Secretary of the Senate (231 Capitol, for Senate bills) or the Chief Clerk of the House (211 Capitol, for House bills).
2. **Internet.** Bills are also available on the Legislature’s Web site: <http://www.leg.state.mn.us/>
3. “To the extent practical the Secretary shall provide a copy of any bill to the public and may charge a reasonable fee.” Senate Rule 48.6
4. “A House bill amended by the Senate must be unofficially engrossed and electronically available or printed when placed on General Orders.” Senate Rule 48.2
5. “A bill may be electronically available or printed by order of the Secretary when amended after second reading.” Senate Rule 48.3
6. “After a bill receives its second reading, the bill must be prepared and published or made electronically available for consideration by the House.” House Rule 1.40

B. Electronic Recordings

1. **Available on the Web.** 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. “The Secretary shall cause to be recorded on electronic media the proceedings of the Senate [and] the Committee of the Whole” Senate Rule 50.1
3. “Within two working days after each Senate session, the Secretary shall make a copy of the electronic record and corresponding log of proceedings . . . available to the Legislative Reference Library. Senate Rule 50.2
4. “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

5. “Proceedings on the floor of the House must be recorded on an appropriate audio recording medium under the direction of the Chief Clerk. The Chief Clerk must transmit a copy of the recordings to the Director of the Legislative Reference Library.

...

“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

6. **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. **Not a Verbatim Record.** The Journals of the Minnesota Legislature are not verbatim records of debate, like the Congressional Record.
2. **Actions Taken by the Body.** They list only actions taken by the body, without a narrative explanation.
 - a. The title of each bill introduced.
 - b. The text of amendments recommended by committees and adopted by the body.
 - c. Roll-call votes on the floor.
 - d. Procedural motions.

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.

B. The First Bill Moves Forward, the Second Bill is Killed (indefinitely postponed)

1. 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.”
2. Even though one of the companions must always die, that does not mean it has lived in vain. The first bill is put into the same procedural position that the second bill had when the first bill came over.

C. Referral to Committee

1. If the second bill is in committee, the companion is referred to committee and 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. “A House bill, after its first reading, must be referred as follows, unless there is a motion by the Chair of the Committee on Rules and Administration or a designee of the Chair or objection under Rule 4.9:” Senate Rule 45.1
3. “A Senate File received by the House . . . must be referred to the appropriate standing committee” House Rule 1.15

D. 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. “[I]f if a Senate File is

received that a member requests be compared to a House File already reported by a standing committee of the House . . . the Senate File must be referred to the Chief Clerk for comparison. If the Chief Clerk reports that the Senate File is identical to the House File, the Senate File 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 must be a procedure for deciding which version to work with. The Senate and House approach the problem in two different ways.

a. Senate Rule 45

- (1) In the Senate, Rule 45 requires that the House bill be amended to substitute the Senate language. It is automatic. It’s as if you took the Senate file and changed its number to the House file number. In fact, that’s what we do when we draw amendments to the amended House file. We work with the Senate language, but the House file number.

- (2) “If the House bill is not identical to the Senate companion bill, the report of the committee must recommend an amendment to the House bill that when adopted will render the House bill identical to the Senate bill. Upon adoption of a committee report containing the proposed amendment, the House bill as amended must be given its second reading and substituted for the Senate companion bill and the Senate companion bill must be indefinitely postponed.” Senate Rule 45.1(c)

b. House Rule 1.15. In the House, the procedure is more flexible.

- (1) The author of the House file must choose whether to substitute the Senate file without amendment or to amend the Senate file.

- (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.

- (3) The substitution for a bill that is not identical, with or without an amendment, is done by a suspension of the rules on a two-thirds vote. The motion is almost never opposed, but it is not automatic as it would be in the Senate.

E. Laying a Bill on the Table. 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.

1. Senate Rule 45

- a. Rule 45 allows the Chair of the Committee on Rules and Administration, by motion, to lay the House bill on the table without being referred to committee.
- b. “[U]nless there is a motion by the Chair of the Committee on Rules and Administration or a designee of the Chair . . .” Senate Rule 45

2. House Rule 1.15

- a. House Rule 1.15 does not specifically authorize a Senate bill to be intercepted and kept on the floor.
- b. 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.

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.”
- b. “Every bill passed by both houses shall be enrolled and signed by the presiding officer of each house.” Minn. Const. art. IV, § 20
- c. “After a bill or memorial has been passed by both houses, it shall be carefully and properly enrolled by the Revisor of Statutes under the direction of the Secretary of the Senate for a matter originating in the Senate or the Chief Clerk of the House for a matter originating in the House.” Joint Rule 2.07
- d. 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.

2. **Signatures.** 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.
2. “Prior to a Conference Committee on any matter, either house may recede from its position on any difference existing between the two houses. In order to recede, and if the matter is not in the possession of a house, that house shall request return of the matter from the other house.” Joint Rule 2.05
3. The house of origin may request the other body to return the bill for further consideration.
4. The house of origin may then concur in the amendments by the other body.

III. CONFERENCE COMMITTEES

A. Appointment

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 ordinary 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 Rule 46.2 requires that the conferees be members “who are in accord with the position of the Senate,” so members who voted against the bill are rarely 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.

2. Motion to Appoint a Conference Committee

- a. Requesting a conference committee is done by motion on the floor by the chief author.
- b. “If the house of origin refuses to concur in the amendment, it shall ask for a Conference Committee, appoint such a committee on its part, and transmit the bill with a record of its action to the other house. If the other house adheres to its amendment, it shall appoint a like committee and return the bill to the house of origin.” Joint Rule 2.06

3. Appointing Authority

a. Senate Subcommittee on Conference Committees

- (1) Conference committee appointments in the Senate are made by the Subcommittee on Conference Committees of the Committee on Rules and Administration. The Senate Majority Leader chairs the Subcommittee, and his slate of nominees is routinely appointed.
- (2) “In the appointment of members of conference committees between the two houses, the Subcommittee on Conference Committees shall appoint those who are in accord with the position of the Senate. Whenever practical, the subcommittee shall give preference to authors of bills in dispute and to members of standing committees in which the bills were considered.” Senate Rule 46.2

- b. **Speaker of the House.** Conference committee appointments in the House are made by the Speaker.

B. Staff Preparations

- 1. Some conference committees complete their work in minutes as the midnight deadline for adjournment in the odd-numbered year approaches.

2. Others, such as those on the tax and appropriation bills, meet for weeks.
3. If a conference committee expects to meet for any significant length of time, the Senate and House chairs will instruct their staff to work together to compare the two versions of the bill.
4. **Side-By-Side Comparisons.** The comparisons may include documents where the text of the bill as passed by the second house is shown alongside the text of the bill as it passed the house of origin. They may include documents summarizing the main points of each version, side-by-side.
5. The comparisons may include documents listing only the major issues to be resolved.

C. Meetings

1. Open Meetings

- a. Meetings of the whole conference committee must be open to the public
- b. “All Conference Committees shall be open to the public. As much as practical, meetings of Conference Committees shall be announced as far in advance as possible and actions taken shall be agreed upon in an open meeting.” Joint Rule 2.06

2. 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 identify the issues on which the two houses disagree and 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.

3. Conferees Must Agree on a Base Document

- a. The first issue to be resolved is usually what their base will be. Will they start with the House bill and amend it, or the Senate bill and amend it, or start a new document? After some discussion, they usually 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.

4. 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 in the conference committee report unless it is agreed to by three senators and three representatives, so they are better off to begin by identifying those items on which they already agree and avoid confusion later over what is “in” and what is “out.”

5. Negotiations May Continue for Days

a. Issue-By-Issue

- (1) In the early stages, negotiations usually proceed issue-by-issue, with each side trying to convince the other of the merits of its position.
- (2) That works to a point, especially when there may have been a disagreement over the facts or where the members on one side do not have a strong philosophical attachment to their position.

b. Packages

- (1) Eventually they tire of slogging it out issue-by-issue, or they run out of time, or they come to the point where they simply disagree on what would be the best public policy, and no amount of argument is going to make them change their minds. That is when they have to start talking “packages.” In more rustic days, this was called “horse trading.”
- (2) Putting together a package is not a question of right and wrong, it’s a question of “What’s the best deal we can get?” “If we give them issues 1, 2, and 3, will they give us issues 4, 5, and 6?” Each side knows that it will have to give the other side something in order to get a deal. It’s the free marketplace of ideas, where the goal for both sides is to sell as many of

their ideas as they can and to pay as little as possible for the ideas they are forced to buy.

- (3) In order to do that, they need to know what the other side wants, and how badly. The early explanations and arguments should have given them a feel for that, and the first package offers reinforce it, as the offeror notes how strenuously the offeree complains about items left out of the offer.

c. Huddling

- (1) It is at this time that the conferees from each house must meet separately, in private, in order to put their packages together.
- (2) They must prepare a strategy for offers of compromise, comparing thoughts on what the other house really needs and is willing to accept. Experienced conferees will plan several offers ahead.
- (3) They break their huddle and return to the conference table, prepared to call an audible signaling their next offer, depending on the reaction of the other house to their first one.
- (4) Sometimes, the players get their signals crossed, publicly conceding on an issue they hadn't really meant to.
- (5) Sometimes, if they get bogged down, one or two members from each side will be deputized to meet separately to try to resolve the most intractable disagreements.

d. Missiles

- (1) Sometimes, rather than continue face-to-face negotiations, the conferees from one house will put a proposal into writing, either as a list of points or as a draft conference report, and hand deliver it to the conferees from the other house.
- (2) Lobbing these written "missiles" back and forth may cause the conference committee to drag on for days without any meetings.

6. **Agreement.** One way or another, in the wee hours of the morning or even after daybreak, they agree on enough issues to conclude they have an

agreement, and the conference committee report is drafted.

D. Conference Report

1. **Delete-Everything.** In fact, major portions of the conference report may have been completed as a result of their earlier negotiations, but now the entire report is assembled, usually in the form of a delete-everything amendment so that the entire agreement is in one place for all to see.
2. **No Narrative.** There is no narrative, unlike a conference report on a bill in the U.S. Congress. The conference report is limited to a set of amendments to the bill (if any).
3. **Approved by Revisor.** Regardless of what 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. **Signatures.** 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. **Copies.** 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. Time is short, with adjournment deadlines looming, and the conference reports are often long, a hundred pages or more. Copies for the members take a couple of hours to make, and there may be no extras for the public. If you didn't get one at the last meeting of the conferees, you may not see the conference report until the JOURNAL of each body is published the day after the vote. JOURNALS are available from the offices of the Secretary of the Senate and the Chief Clerk of the House. An increasing number of conference committee reports are being made available on the Worldwide Web. If one is available for your bill, you can find it on the Legislature's Web site at: <http://www.revisor.leg.state.mn.us/forms/getccrue.php>.
6. **Considered First in the House of Origin**
 - a. The conference report is considered first in the house of origin. It is not subject to amendment.
 - 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. The majority usually concludes that a flawed bill is better than no bill and votes to adopt the original conference report.

7. Amendments Must be Germane

- a. Pushing the deadlines in this way is sometimes done by the conferees in order to make the majority of each body an offer they can't refuse. Knowing the body won't be able to refuse to adopt their report may tempt the conferees to include in it extraneous material. This is one of the ways that "garbage bills" are created.
- b. In order to curb the temptation to add extraneous matter, Joint Rule 2.06 was amended in 1987 to require that a conference committee report be "limited to provisions that are germane to the bill and amendments that were referred to the Conference Committee." The Joint Rule uses the Senate test for germaneness, including both the subject of the item and its purpose.
- c. "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
- d. Since the Joint Rule was tightened in 1987, complaints about extraneous matter have been reduced but not eliminated.
- e. The House has an additional rule governing the content of conference committee reports. Rule 6.40 requires that "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." The House rule is less strict than the Joint Rule. The Joint Rule does not permit the addition of material not germane

to the bill and amendments that were sent to conference, even if the material was contained in a different bill that passed one body. So the House rule would seem to have no practical effect, except to confuse members and others about what is permitted. Likewise, since the House rule focuses only on the subject of the material and not on its purpose, it would seem to be overridden by the stricter requirements of the Joint Rule, another cause for confusion.

8. House Members Must Disclose Changes

- a.** Besides its rule on the content of conference committee reports, the House has a rule on the way they are presented to the body.
- b.** House Rule 6.40 requires that “The member presenting the conference committee report to the House must disclose all substantive changes from the House version of the bill.”
- c.** 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.

Approval by the Governor

I. PRESENTMENT

- A. Before a bill may become a law it must be presented to the Governor.
- 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 enrolled copy of the bill or memorial and present it to the Governor for his 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, it becomes law without his signature and is filed with the Secretary of State.
- 3. “Any bill not returned by the governor within three days (Sundays excepted) after it is presented to him becomes a law as if he had signed it, unless the legislature by adjournment within that time prevents its return.” 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.
- 2. Otherwise, it is “pocket vetoed” and does not become a law.

3. “Any bill passed during the last three days of a session may be presented to the governor during the three days following the day of final adjournment and becomes law if the governor signs and deposits it in the office of the secretary of state within 14 days after the adjournment of the legislature.” 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.
2. The veto is not effective until the bill has been received by the house of origin.
3. As Governor Carlson learned with respect to 15 bills in 1991, “three days” is three days, and a late veto is of no effect.
4. “If he vetoes a bill, he shall return it with his objections to the house in which it originated.” Minn. Const. art. IV, § 23

B. Item Veto of Appropriations

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

- C. **Pocket Veto.** “Any bill passed during the last three days of the session which is not signed and deposited within 14 days after adjournment does not become a law.” 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 notwithstanding 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 notwithstanding 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. General Laws—August 1.** When a bill has been approved by the governor, or repassed over his veto, it is enacted but not yet effective. That is because general law, Minn. Stat. § 645.21, provides that all laws become effective on August 1, unless otherwise provided.
- B. Appropriations—July 1.** 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.
- C. Local Laws.** Laws that apply to a local unit of government are usually effective only upon approval of the act by the unit's governing body.

D. Immediate Effective Dates

1. 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.
2. General law provides that an act becomes effective at 12:01 a.m. on the day it becomes effective.
3. So, the standard language for an immediate effective date provides that the act is effective “the day following final enactment.”