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Tracking Legislation in Minnesota

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TRACKING LEGISLATION IN MINNESOTA

This guide is divided into three distinct parts. The first is a description of procedure for conducting a bill history. The second is a glossary of relevant terms, while the final section contains a list of locations in which the necessary books and materials can be found.

The progress of a bill through the legislative process is marked by a series of actions and reports outlined below.¹ Most of these are prescribed formalities. However, because different courses are followed under some circumstances, and because it is too complicated to deal with all the exceptions, the following directions for conducting legislative histories deal only with the procedures applicable in most instances. The researcher will have to remain alert to the fact that the progress of many bills departs from this norm.

The key to tracing legislation is the House or Senate bill number referred to as the file number. This key number can be found in several sources.

All bill numbers, whether for legislation that succeeded or failed, can be found in the Journals of the House and the Senate. The journals are indexed by topic, author and bill number.

In instances where the bill was enacted into law, the file numbers can be found in the Session Laws opposite the chapter number which precedes the text. File numbers for all bills which have been enacted can be found with the aid of Minnesota Statutes.² Following each section of the Statutes

1. Underlined words and phrases are described in detail in a glossary following the text.

2. Minnesota statutes and session laws differ both in content and arrangement. The session laws contain all laws enacted during a given year arranged chronologically by date of enactment. The statutes are arranged in topical chapters and contain only the laws of a general and permanent nature currently in effect. The general laws of each session are ordered by topic and incorporated into the statutes with their publication in even numbered years.

are italicized "history" notes. These notes refer the reader to session law years and chapters where file numbers can be found. The indexes of the statutes and session laws provide several ways of locating the material in these volumes.

If the bill in question is currently being considered by the legislature, its number can be obtained from the Index of offices in either the House or the Senate.

The method you choose to locate the file number of the law or bill you wish to research will depend on the type of history you are doing and the amount of information you bring with you to the project.

Except in instances in which the research is to be limited to the proceedings of one house, it is good practice to locate the file numbers for both the House and Senate bill.³ This is most easily done by locating one number and then using the companion bill index in the journal of either house to locate the other.

To trace the history of bills from previous sessions, turn first to the Bills of the House or Bills of the Senate Index⁴ found in the general index section of the journal of either house.

BILLS OF THE HOUSE—Continued

Number	AUTHORS At Time of Adjournment	First Reading and Reference	Second Reading	Other Proceedings	Third Reading and Passage	Returned from Senate	Subsequent Proceedings	Approved	General Laws Chapter & Year	
	TITLE At Time Of First Reading In House									
677	Farcy; Anderson, I.; Jacobs; Minne and Prael A bill for an act relating to courts; providing for the in- terest rate on verdicts and judgments; amending Min- nesota Statutes 1978, Sections 549.09 and 550.36.	349	506	504	534	663 2426	2426	2426	3618	3611 105 1979

3. Copies of a bill for the current session are available from the Chief Clerk of the House and the Secretary of the Senate. See location guide following the glossary for location of earlier bill.

4. Index terms and uses may vary from session to session.

Locate the file number of the bill you wish to trace in the left hand column of the index. The parallel numbers in the columns refer to the page in the journal on which the bill was mentioned. The column titles provide some information about where specific actions occur, but since many different events are included in the other proceedings and subsequent proceedings a thorough legislative history must include an examination of the journal at each mention of a bill.

For proceedings affecting bills before the current legislative session it is necessary to use the resources of the House and Senate Index offices.

Using the Bill Index, turn to the pages referred, note the date and the action taken. The first mention of the bill in the journal will be at first reading, the formal introduction of the bill. At this time the bill is assigned to a standing committee. In committee the bill may receive a hearing, at which time it is discussed, testimony taken and amendments proposed. Since conducting an accurate and coherent legislative history requires following the legislative course of the bill, your next step will be to review the committee minute book.

This review will tell you if and when the bill was heard by the committee, or if it was sent to a subcommittee. The content and arrangement of the committee books vary. Each provides a formal record of committee action, subcommittee referrals, bills heard, those who testified, amendments offered, recommendations and recorded votes. Some committee minutes are quite detailed, containing supplemental materials, others are merely records of action taken.

Prior to 1975, the only existing records of committee action were committee minutes. Since 1975, tape recordings of the committee meetings are required by House and Senate rules. These are to be filed in the Legislative Reference Library. In order to locate the tape recorded material on a specific bill it is necessary to have full committee or subcommittee title and the dates of the hearings.

When a committee has completed work on a bill and reached a decision on what action it will recommend to its parent body, the bill is returned to the floor with its recommendations. This recommendation is called a committee report. The report is, however, only a form indicating whether the committee recommends passage with or without amendment or makes no recommendations. No explanation is included.

After the committee report is delivered to the floor, the body moves to accept it. Again this is a formality, meaning only that the report has been received. It does not imply that the bill will ultimately pass.

After the bill has been reported it is read a second time⁵ and placed on general orders. Bills on general orders for the day will be heard in committee of the whole. It is in the committee of the whole that bills in need of explanation or of a controversial nature are discussed, debated and amended. Votes taken in a meeting of the whole are not recorded unless at least ten legislators request recording.

Prior to 1975 the only record of floor proceedings was contained in the journals. Since that date the floor sessions of both the House and the Senate are recorded. These tape recordings and their accompanying logs are deposited in the Legislative Reference Library. The date of the proceedings is needed to locate the tape recordings. The journals can be used to locate the dates. Action in committee of the whole is indexed in the journal index under other proceedings.

Not sooner than twenty-four hours after the bill has been discussed in the committee of the whole, it is placed on the calendar⁶ for third reading and final passage. The report of the committee of the whole is made to the house just prior to the bill's third reading.

After a bill passes one house it is sent to the other house. For the sake of expedience, the passed version is substituted for the companion bill. If the other body has added amendments to their version of the bill, these amendments are attached to the substituted bill. From this point forward the bill bears the file number of the house that acted on it first.

Tracking the course of a bill once it has been forwarded to the other body involves use of the House Bill Index in the Senate Journal for House bills referred to the Senate or the Senate Bill Index in the House Journal for bills referred from the Senate to the House. This index will refer to the page numbers on which the bill was mentioned. Again note the dates and action taken.

5. See glossary entry SECOND READING.

6. See also glossary entry SPECIAL ORDERS.

A referred bill may receive three readings in the other house, may but probably will not be referred or re-referred to committee, may be discussed in the committee of the whole and may be placed on final passage, or a referred bill may die somewhere in this process.

A complete legislative history requires the reviewing of all actions in both houses including those taken on companion bills prior to its replacement by the version passed in the other house.

When the second body has passed the substituted file without amendment, the bill proceeds then to the governor for signature, and is forwarded to the Secretary of State, where it is accepted, filed and given its chapter number.

If the second house has amended the substituted file so that in effect each house has passed a different version of the bill, then the bill must be returned to the house in which it originally passed. This house may either accept the bill as amended and pass it, or they may request the appointment of a conference committee which will be charged with reaching agreement on the content and language of the bill.

You will find the proceedings relating to conference committees in the House and Senate journals under "subsequent proceedings." There are usually no minutes or tape recordings of conference committee proceedings. Both houses must pass the conference committee report as recommended by the conference committee. If it receives a favorable vote in both houses, it is sent to the governor for his signature.

When a bill is vetoed you will find that action indicated in the column headed "approval." Any action taken after the veto will be indexed in the "Subsequent action" column.

Occasionally a diligent researcher will locate interim or other committee reports proposing or discussing legislation. This is rare, but when such a report is found, the extra effort necessary to locate it is worthwhile. The Minnesota Historical Society has published several lists of early Minnesota government publications.⁷ Minnesota Statutes Annotated is a good potential source for reports or articles which may lead to reports. A call to the archives of the Historical

7. Esther Jerabek has authored several of these.

Society and the Legislative Reference Library may yield something.⁸

8. The Legislative Reference Library was founded in 1969 and has little material for years prior to that date.

GLOSSARY

- ACT:** A legislative measure that has passed both houses and has been signed by the governor (or passed over his veto or become law without his signature).
- ACTION:** An act of or discussion of a legislative body.
- AMENDMENT:** Alteration or modification of proposed legislation, existing statute or constitutional provision by deletion, addition or repeal.
- APPROPRIATION BILL:** A bill authorizing expenditure of public money. Because most appropriation measures are temporary law, they usually can be found only in the session laws.
- BIENNIAL:** See BIENNIUM.
- BIENNIUM:** The State Constitution states that a regular session of the Legislature may meet during a two year period. Through 1971 the Legislature met in regular session only in the odd numbered years of a biennium. Since 1973, the Legislature has met in session in both years of the biennium. A legislative biennium begins, as prescribed by law, in January of odd numbered years. A fiscal biennium begins on July 1 of each odd numbered year.
- BILL:** A proposal to amend or repeal existing law or to create new law. Copies of bills for the current session can be found at either the Office of the Chief Clerk of the House or the Secretary of the Senate. The Legislative Reference Library has bills for the last ten years. Earlier bills are held in the State Archives.
- BILL HISTORY:** Record of all actions and proceedings effecting a legislative proposal from its introduction to the end of the biennium.
- BILL INDEX:** See BILLS OF THE HOUSE (or Senate) INDEX, INDEX OFFICE.
- BILLS OF THE HOUSE (or Senate) Index:** Table showing by file number for each bill the journal pages on which reference was made to the bill. These tables appear in the last volume of the House and Senate journals for each

last volume of the House and Senate Journals for each session.

BLUE BOOK: Popular title for the legislative manual. The manual, published biennially, provides information about the agencies of and personalities in state government, and includes other useful information about the state.

CALENDAR: A document listing bills which have had two readings and have been recommended to pass by the committee of the whole. Bills on this calendar are to be read for a third time and considered for final passage. A bill on this calendar cannot be amended without unanimous consent of the members.

CALENDAR OF ORDINARY MATTERS : See CONSENT CALENDAR.

CHAPTER: After a bill has been passed by both houses and either signed by the governor or passed over his veto, the bill is sent to the Secretary of State's office, where it is accepted, recorded and assigned a number called a chapter number. Bills for a session appear in chapter number order in the session laws.

COMMITTEE OF THE WHOLE: A procedural device in which the House or the Senate as a whole acts as a committee under rules which apply to committee meetings. These rules are less rigid. Meeting in this way allows the legislature greater freedom. It is in the committee of the whole that bills are debated and amendments proposed. Bill passage cannot occur until the committee of the whole is dissolved and formal proceedings resumed.

COMMITTEE REPORT: In Minnesota, committee reports are formalized, indicating simply whether the committee recommends passage with or without amendment, or recommends referral to another committee. They contain no text other than copies of the recommended amendment. These reports do not explain or justify the committee action.

COMPANION BILL: A bill introduced in the House and the Senate having the same content and bill drafting numbers.

CONFERENCE COMMITTEE: A committee composed of members of both houses and charged with reaching an agreement on the details and language of a bill which both houses have accepted in principle but have passed in slightly differing forms.

CONSENT CALENDAR: (Formerly called Calendar of Ordinary Matters in the Senate.) After second reading, if a standing committee has recommended, a bill of a non-controversial nature may be placed on the consent calendar and by-pass discussion in the committee of the whole. Objection from members will remove a bill from the consent calendar and return it to General Orders. The rules of the House and the Senate differ on this procedure. (See House Rule 1.11 and Senate Rule 9.)

DAILY JOURNAL: See JOURNAL.

DEBATE: Formal discussion of matters before the legislature conducted according to the house's accepted parliamentary procedure.

EFFECTIVE DATE: The date on which a newly enacted law goes into effect. Unless otherwise specified, laws passed in Minnesota become effective on August first following its final enactment, except for appropriations bills which become effective on July first following final enactment.

ENACT: The act or action by which a bill becomes law. A bill which has been passed by the legislature and signed by the governor may be described as enacted.

ENGROSSMENT: When a bill has been amended, the bill is reprinted incorporating the changes. This reprint is called an engrossment. There will be as many engrossments as there are days on which the bill was amended.

EXTRA SESSION: See SPECIAL SESSION.

FILE NUMBER: A unique number assigned to bills as they are introduced in the houses of the legislature. These are consecutive through the biennium. See also SENATE FILE and HOUSE FILE.

FINAL PASSAGE: A vote taken on a bill after its third reading. The phrase refers to action on the bill in its last form. If in future legislative action, the bill is changed, it will again be given a third reading and final action will again take place on the bill in its altered form. The affirmative vote of a majority of all members is required for final passage. Votes on final passages are recorded in the journal.

FIRST READING OF FIRST REPORT OF A BILL: Occurs when the bill is introduced in either house of the legislature. The

term reading applies to a procedural reading the number and part of the title of the bill.

FISCAL YEAR: The twelve month accounting period, in Minnesota from July 1 to June 30 inclusive. See also BIENNIUM.

FLOOR: 1.) The area in the Senate or House chamber reserved for the members. 2.) A quorum of the members of either house in its chambers for the purpose of doing business.

GENERAL ORDERS: A document listing the bills before the house awaiting preliminary approval by the committee of the whole.

HEARING: A formal public meeting of a committee, division or subcommittee at which testimony may be given or evidence presented.

HISTORY NOTE: Following each section in the statutes and preceded by the word HISTORY is a paragraph of notes showing the legislative history of the section. Beginning with the revised laws of 1905, these notes show in chronological order the session in which the law was originally enacted, and any session laws which may have amended it.

HOUSE FILE or HF: Refers to a bill which has been introduced in the House. These terms are generally followed by a number which identified a specific piece of legislation. See also FILE NUMBER.

INDEX OFFICES: Maintain bill status information. Bills are indexed by number, subject, author, committee, companion number and statutory code. When a biennial session is finished, this information is compiled and forms the basis of the index to the bound journals. The House and Senate each have an index office.

INTERIM: The name given to the time between adjournment of one legislative session and the convening of the next. This term is also used for the months separating parts of a session within a biennium.

JOURNAL: A record of the floor proceedings of both houses as required by the Constitution and prepared daily in the office of the Secretary of the Senate and the Chief Clerk of the House when the body is in session. The journals must contain all roll call votes, show amendments to bills, actions taken and communications received. The journals are brief and formalized. They are

not verbatim records and contain no recording of debate. The index information for the current session is provided by the House or Senate index office. After each regular session of the legislature, the journals are proof-read, corrected, indexed and certified for publication. These published and bound journals form the official record of the session.

LAW: See ACT.

LAWS OF MINNESOTA: See SESSION LAWS.

LEGISLATIVE MANUAL: See BLUE BOOK.

LOG: A document accompanying a tape recording indicating at what point on the tape certain actions take place.

MINNESOTA STATUTES: See STATUTES.

MINNESOTA STATUTES ANNOTATED: An edition of the Minnesota Statutes containing historical notes, references to law review articles, summaries of judicial decisions, attorney general's opinions and revision commission comments.

OTHER BODY: In the House, used to refer to the Senate, and vice versa.

OTHER HOUSE: See OTHER BODY.

PERMANENT JOURNAL: See JOURNAL.

REFERRED BILL: See SUBSTITUTE BILL.

REPORT: 1.) The Minnesota legislature requires that each bill be reported on three different days in each house. This "report" is procedural and is formally referred to as a "reading." See also FIRST READING, SECOND READING and THIRD READING. 2.) At various points in the legislative process, reports are made. These are formalized and present only conclusions or agreements reached. No explanations or justifications are included.

ROLL CALL: Call of the members and recording of those present and absent.

ROLL CALL VOTE: The vote on an issue for the House, Senate or a committee showing the names of the members and how they voted.

RULES: The guidelines which govern the operations and procedures of the houses of the legislature. There are three sets of rules created by the legislature: the rules of the House, the rules of the Senate and a set of joint rules to cover joint procedures. Copies of the rules can be found in the journals, the Official Directory of the Minnesota Legislature, the Legislative Manual and elsewhere. The operations of the legislature are also governed by sections of the State Constitution, Minnesota Statutes and Mason's Manual.

SECOND READINGS: The Minnesota Constitution requires that all bills be "reported" on three separate days. The second reading is a formality and usually occurs after a bill has been reported out of committee and prior to its placement on general orders.

SENATE FILE or SF: Refers to a bill which has been introduced in the Senate. These terms are generally followed by a number which identifies a specific piece of legislation. See also FILE NUMBER.

SESSION LAWS: Session laws contain all laws enacted during a given session. The laws are arranged chronologically by date of enactment. Session laws are currently published annually. This publication is titled Laws of Minnesota. See also SPECIAL SESSION.

SPECIAL ORDERS: A document singling out legislation which the leadership has determined should receive priority at third reading. (See House Rule 1.9, 1.10 and Senate Rule 10.)

SPECIAL SESSION: Between parts of a regular session or after final adjournment, the governor may call a special session. Records kept in and laws passed by special sessions are separately labelled and numbered.

STANDING COMMITTEES: Are established at the beginning of the legislative sessions. They deal with and report on legislation in specific assigned subject areas.

STATUTE: See ACT.

STATUTES: A multi-volume publication arranged by topic containing the permanent and general laws enacted since 1849 and still in effect. The current statutes are based on the 1943 unpublished revised statutes. This set is updated and republished in even numbered years.

The volumes are indexed by subject and numerous tables are supplied to assist in locating specific laws.

SUBSEQUENT PROCEEDINGS: Actions with respect to a bill taking place after passage in one or both houses.

SUBSTITUTE BILL: A term used in this paper to refer to a bill passed in one house and sent on to the other for action.

TAPE RECORDINGS: The recording of the proceedings of floor and committee debate has been required by the rules of both houses of the legislature since 1975. Tapes can be listened to in the Legislative Reference Library during regular business hours. Copies may be purchased from the Chief Clerk's Offices of the Office of the Secretary of the Senate.

THIRD READING: In either house, the third report of a bill after which it moves on to "for final passage." See also REPORT.

TITLE: A brief summary of the contents of the bill, indicating which sections of the law the bill affects.

VETO: Refusal by the governor to sign a bill approved by both houses of the legislature. The governor's signature is needed to make the bill law. When the bill has been vetoed, the legislature may, by 2/3 vote in each house, override the veto and the bill will become law without the governor's signature.

LOCATION OF NECESSARY REFERENCE TOOLS

BILLS (all engrossments)

- House (last ten years) - Legislative Reference Library.
(1858-) - Archives, Minnesota Historical Society.
- Senate (1957 to date) - Legislative Reference Library.
(1858-1971) - Archives, Minnesota Historical Society.

COMMITTEE MINUTES*

- House (1971 to date) - Legislative Reference Library.
(1919 -1969) - Archives, Minnesota Historical Society.
- Senate (1955 to date) - Legislative Reference Library.
(1901, 1903, 1911-1953) - Archives, Minnesota Historical Society.

JOURNALS

- House - available in most large public and law libraries as well as the Legislative Reference Library and the Minnesota Historical Society.
- Senate - available in most large public and law libraries as well as the Legislative Reference Library and the Minnesota Historical Society.

STATUTES

Available in most large public and law libraries as well as the Legislative Reference Library and the Minnesota Historical Society.

SESSION LAWS

Available in most large public and law libraries as well as the Legislative Reference Library and the Minnesota Historical Society.

TAPE RECORDING COMMITTEE PROCEEDINGS*

- House (1973 to date) - Legislative Reference Library.
(Library has few 1973 tapes.)
- Senate (1973 to date) - Legislative Reference Library.

TAPE RECORDINGS FLOOR SESSIONS*

- House (1973 to date) - Legislative Reference Library.
Senate (1973 to date) - Legislative Reference Library.

* Transfer of earliest years to the archives is contemplated.