
Making Laws is a series of publications that explain the lawmaking process of the Minnesota Legislature. This work is the first in the series and discusses the Minnesota Legislature as a branch of state government. Please see the list at the end for other works in this series.

Executive Summary

The Minnesota Legislature is established in the state constitution. The constitution dictates the way the legislature is structured and establishes the legislature’s position in state government. More specifically, the constitution:

- creates the legislature as one of three branches of state government and partitions the legislature internally into two houses;
- prescribes the qualifications for legislative office and the term of office;
- requires the legislature to meet regularly, once during each legislative biennium, in a session of limited duration; and
- allows the governor to call the legislature into special session on extraordinary occasions.

The internal organization and operation of the legislature are determined not by the constitution or laws so much as by legislators themselves.

The size of the legislature—currently 201 members—is set by state law, within certain constitutional parameters.

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A Bicameral Legislature

The constitution establishes the structure of the legislature and its position in state government.

The constitution creates the legislature as one of three branches of state government

The constitution says, “The powers of government shall be divided into three distinct departments: legislative, executive, and judicial.” The constitution places each branch under the control of officials directly elected by the people:

- legislators
- five executive branch officers (governor, lieutenant governor, secretary of state, attorney general, state auditor)
- judges

The constitution gives to each of the three branches certain powers, to be exercised by that branch exclusively except as the constitution provides otherwise: “No person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others....”

These constitutional provisions express a principle of government known as the “separation of powers,” which holds that the authority of the state should be distributed among three separate branches of government, each largely in charge of its own affairs, each required to work with the others to successfully govern. All state constitutions and the federal constitution break up the power of government along these lines.

The constitution creates branches of government in order to produce a system of checks and balances. In practice, this means that any attempt to formulate a reasonable plan of governance requires debate, consultation, and some measure of cooperation between branches with different electoral bases, and different roles within the larger whole. Balancing the separate powers of these branches allows univocal views to be checked and requires joint agreement for complex decisions, or even for tasks as simple as biennially balancing the budget.

The constitution partitions the legislature internally

The constitution divides power within the legislative branch as well, creating a bicameral (two-house) legislature and naming each part: “The legislature consists of the senate and house of representatives.” The federal constitution and all state constitutions, except that of Nebraska, divide the legislature similarly.

Legislators

The legislature comprises 201 legislators: 67 senators who are elected to four-year terms, and 134 representatives who are elected to two-year terms. The constitution prescribes the qualifications for holding legislative office and the term of office. The size of the legislature—the number of legislators and legislative districts—is set by state law within certain constitutional parameters.

The constitution prescribes the qualifications for legislative office

Legislators and other officials are chosen at a state general election every other year. The constitution schedules the election on the first Tuesday after the first Monday in November of even-numbered years (e.g., 2022, 2024, 2026).

The constitution requires a candidate for the legislature to be a qualified Minnesota voter when elected. This means that, at the time of the general election, a candidate must have been a U.S. citizen for at least three months and must not fall into a class of persons not permitted to vote: those convicted of treason or felony, unless restored to civil rights; those under guardianship; and those who are insane or mentally incompetent.

The constitution imposes residency requirements. At the time of the general election, a candidate for the legislature must have resided in the state for at least one year and in the legislative district for at least six months.

The constitution requires persons elected to the legislature to be at least 21 years of age at the time their term of office begins. The term of office of newly elected legislators begins about two months after the general election, on the first Monday in January of each odd-numbered year (e.g., 2023, 2025).

Legislators may not hold any other public office, except that of postmaster or notary public. A legislator elected or appointed to another public office vacates their seat automatically.

In accordance with separation of powers principles, the constitution makes each house the judge of the election returns and eligibility of its members. If a person's election to legislative office or qualification for office is challenged, the law provides for a judicial proceeding to assemble evidence to aid the House or Senate in making a decision whether to "seat" the person as a legislator.

The constitution prescribes the term of office of legislators

The constitution prescribes one term of office for representatives and another for senators: "Representatives shall be chosen for a term of two years, except to fill a vacancy. Senators shall be chosen for a term of four years, except to fill a vacancy and except there shall be an entire new election of all the senators at the first election of representatives after each new legislative apportionment...." The constitution says that a vacancy in office must be filled at an election called by the governor. No one is ever appointed to the legislature.

This has been the prescribed term of legislative office for well over a century, under an amendment to the constitution adopted in 1877.¹ The effect is that all legislative terms of office coincide within each house: all 134 representatives are elected at once and serve for the same two-year term of office beginning and ending in early January; all senators are elected at once and serve for the same four-year term beginning and ending in early January.²

There is one exception to the Senate term of four years. Once each decade, the four-year Senate term is halved, because of two constitutional requirements relating to the drawing of legislative district boundaries.

- The federal constitution, as interpreted by courts since the 1960s, requires each state to redraw the boundaries of state legislative districts after each decennial federal census to reflect geographic shifts in population during the preceding decade.
- The provision in the Minnesota Constitution, quoted earlier, expressly requires “an entire new election of all the senators” at the first election of representatives following every redrawing of legislative districts.

As a consequence of these two constitutional requirements, legislative district lines must be redrawn every ten years, after each federal census of population, and all legislators in both houses must be chosen from the newly drawn districts at the next general election. The result is a repeating decennial pattern of Senate terms of four, four, and two years (e.g., 2023-2026, 2027- 2030, 2031-2032).

State law determines the size of the legislature

The constitution says that the number of members of each house of the legislature “shall be prescribed by law.” The law currently sets the number of legislators at 201—67 senators and 134 representatives.

The constitution also gives the legislature “the power to prescribe the bounds of ... legislative districts.” As this provision has been interpreted, the boundaries must be drawn by law—that is, using the lawmaking procedures described in this series, including review by the governor.

The federal constitution, as interpreted by courts since the 1960s, requires the state to redraw the boundaries of legislative districts after each decennial federal census, to reflect changes in population distribution during the preceding decade. The state must accomplish this in time for the first state general election after each census, which is the election in years ending with the numeral “2” (2022, 2032, etc.). Historically, if the legislature and governor have not

¹ Before that, during the first two decades of statehood, terms were half as long: one year for representatives and two years for senators.

² Early in the state’s history, the terms of senators overlapped: at each election half of the senate stood for election, while the terms of the other half carried over until the following election. This practice, called staggered terms, was ended under the 1877 amendment to the constitution.

accomplished this by enacting a law in time for that election, the courts have intervened to draw new legislative district lines.

State laws that define legislative districts and prescribe the number of legislators must be consistent with certain requirements imposed by the state constitution:

- Representation in both houses “shall be apportioned equally throughout the different sections of the state in proportion to the population thereof.”
- Senators “shall be chosen by single districts of convenient contiguous territory ... numbered in a regular series.”
- “No representative district shall be divided in the formation of a senate district.”

These three constitutional requirements affect the number of legislators and legislative districts in two ways. First, only one senator may be elected from each Senate district. Second, the number of representative districts must be equal to, or a multiple of, the number of Senate districts (because each representative district must be contained within a single Senate district and both must be apportioned according to population).

Current law implementing these constitutional requirements divides the state into 67 Senate districts, each of which elects one senator. This has been the size of the Senate since 1915. Each of the 67 senate districts is divided into two house districts, making a total of 134 districts, each of which elects one representative. This has been the size of the House since 1973; before that, for a decade (1963-1972), there were 135 house districts, and before that (1917-1962), 131.

This arrangement makes the House precisely twice the size of the Senate. One-third of the 201 members of the legislature are senators, and two-thirds are representatives. After the 2020 decennial census and redistricting cycle, each senate district represents about 85,172 persons, and each representative district about half that number, 42,586.

Regular Sessions

The constitution requires the legislature to meet regularly, once each legislative biennium, in a session of limited duration.

The constitution requires the legislature to meet at least once every biennium

“The legislature shall meet at the seat of government in regular session in each biennium at the times prescribed by law...” In this constitutional provision, the word “biennium” refers to a legislative biennium, which is the two-year period corresponding to the term of office of representatives—beginning and ending on the first Monday in January of odd-numbered years (e.g., January 2023–January 2025).

The constitution leaves the time of the regular session to be prescribed by law. The law requires the regular session to begin the day after newly elected legislators take office. Thus, the regular session begins on the first Tuesday following the first Monday in January (unless the first

Monday falls on January 1, in which case the day of convening is delayed by one day, until Wednesday).

The “seat of government” is defined as Saint Paul.^{3,4}

Each regular session is conducted by a distinct legislature

The convening of each new regular session in January of each odd-numbered year marks the end of one legislature and the beginning of another, because all representatives, and sometimes all senators, are starting a new term of office. Sessions, and legislatures, are numbered in sequence. The first regular session, and the first state legislature, convened in December 1857. The regular session beginning in January 2023 is the 93rd regular session, and the legislature that meets then is the 93rd legislature.⁵

Definition of a Session

Within the context of a regular session, the term may refer either to:

- the entire biennial session—extending over parts of both years of a legislative biennium; or
- an annual part of the biennial session—that is, the session in the first year of the biennium, or the continuation of the session in the second year.

The term is used also to indicate a daily session during a regular or special session. A daily session of a house occurs when the members meet on the floor (meaning the Senate chamber or the House chamber in the State Capitol). When the daily session concludes, the house adjourns for the day and specifies the day of the next daily session.

On the last day of the regular biennial session, or of a special session, each house concludes the session finally by adjourning *sine die* (“without a day”)—that is, without specifying a day to meet again.

³ During the pandemic of 2020-2022, the Minnesota Legislature operated in the Capitol building in Saint Paul. House and Senate rules, adopted per the constitution, allowed electronic establishment of a quorum, and hybrid or remote voting. A quorum of members was physically in Saint Paul. Voting was accompanied by members stating their locations. The attention to this detail was necessary to meet the constitutional requirements.

⁴ The Minnesota Legislature was the first legislature to return to work after the initial quarantine period for COVID-19, due to the adoption of remote and hybrid procedures and to the punctilious adherence to constitutional requirements that accompanied these flexible arrangements.

⁵ The number 93 is greater than half of the 167 years of statehood from 1857 to 2023 because during the first two decades of statehood legislative elections occurred annually and the legislature met annually rather than biennially.

The constitution allows only one regular session in a legislative biennium

Once convened in regular session, the houses of the legislature continue the session simply by adjourning from one day to another. The regular session ends, typically every two years, when the houses adjourn *sine die* (that is, without specifying a day to reconvene). After a legislature adjourns *sine die*, it may not meet again in regular session during that legislative biennium. The terms of legislators continue, and the legislature continues to exist and may be called into a special session by the governor. But the regular session for that biennium is finished.

The constitution regulates the length of the regular session

In addition to requiring a biennial session at the times prescribed by law, the constitution limits the length of the regular session through three provisions.

The regular session is limited to 120 legislative days, as that term is defined by law. The law defines a legislative day as “a day when either house of the legislature is called to order”—that is, meets in a floor session. Legislators may conduct business at the Capitol and legislative committees may meet without consuming a legislative day, so long as neither house meets on the floor that day.

The legislature normally must use at least two legislative days each week. The constitution does not allow either house to adjourn for more than three calendar days (excepting Sunday) without the consent of the other house. Although the two houses could agree to frequent long adjournments, in practice they do not. Both routinely comply with the constitutional requirement by scheduling a minimum of two floor sessions each week—usually on Monday and Thursday—even when there is little or no floor business to conduct. In the early weeks of a regular session, when there is little floor business, the length of many floor sessions tend to be brief.

The legislature may not meet in regular session after a specified day in May. The constitution forbids the legislature to meet in regular session after the first Monday following the third Saturday in May in any year. This restriction, along with the January convention date prescribed by law, confines the regular session each year to a five-month span—from early January to mid-May. Meetings outside of this time frame must be called by the governor and are denoted as “special sessions.”

Within the constitutional parameters, each legislature schedules its session as it pleases

The constitutional and statutory regulations just described establish what is called a “flexible biennial session.” The session is flexible because each legislature may schedule its regular session meetings as it pleases, so long as it does not exceed 120 legislative days or meet outside of the January-to-May period. The session is biennial because each legislature is allowed—not required—to meet in both years of the biennium. When it closes the regular session in the first

year, the legislature may choose to adjourn *sine die* or to a day that it specifies in the following year.

Since 1973, when these regulations took effect, no legislature has used all of its 120 legislative days (although in 2008 and 2012, the 119-legislative-day mark was reached), and every legislature has chosen to spread its regular session over both years of the legislative biennium rather than adjourning *sine die* at the close of the first year's session. The result is this typical configuration of the regular session:

First year: The regular session begins on the prescribed day, in the first week of January of the odd-numbered year. The session continues for nearly five months, until the constitutional deadline in mid-May, when both houses adjourn to a day they specify in the following, even-numbered year.

Second year: On the specified day in the following year, usually sometime in late January or February, the two houses reconvene to continue the regular session. The session in the second year typically is shorter, lasting for two or three months, until sometime in April or May, when both houses bring the regular session to an end by adjourning *sine die*. This has been the general pattern; most recent second-year sessions have been longer.

Regular Session History

Historically, the legislature met annually at first, then in alternative years, and now in flexible biennial sessions.

Annual sessions—1857-1878: The 1857 state constitution limited neither the frequency nor the duration of legislative sessions. The first legislatures met annually in sessions lasting as long as four or five months. In 1860, a constitutional amendment limited each annual session to 60 days. Accordingly, beginning in 1861 the legislature met each year for 60 calendar days, from early January to early March.

Alternate-year sessions—1879-1972: An 1877 constitutional amendment retained the 60-day limit but directed the legislature to “meet biennially.” So beginning in 1879, and for nearly 100 years thereafter, the legislature met only in odd-numbered years. An 1888 constitutional amendment changed the 60-day limit to 90 “legislative days”—which was understood to mean that Sundays and legal holidays could be disregarded in reckoning the 90-day span of the session. In 1962, a constitutional amendment raised the limit of legislative days from 90 to 120 and replaced the constitutional direction to “meet biennially” with a more explicit direction confining regular session to “each odd-numbered year.”

Flexible biennial sessions—1973-present: The flexible session amendment to the constitution, adopted in 1972, removed the provision confining regular sessions to odd-numbered years, added the May adjournment deadline, and directed that “legislative day” be defined by law. A 1973 law defined legislative day as a day when either house convenes in a floor session. Since then, each legislature has met in a single regular session spread over both years of the legislative biennium.

Special Sessions

Besides requiring the legislature to meet once in regular session during each legislative biennium, the constitution permits the legislature to meet in special session “on extraordinary occasions.” Special sessions have become routine, and both the governor and legislative leaders have at times preferred special sessions as vehicles for dealmaking.

Only the governor may call the legislature into a special session

Some state legislatures are allowed to call themselves into special session. The Minnesota Constitution does not permit this: only the governor can call the legislature into a special session.⁶

Statutory law directs the governor to call a special session by means of a proclamation, to notify all legislators of the time of the meeting, and to inform them of the purpose of the session. The governor’s proclamation is filed with the secretary of state and printed in the journal of each house and in the *Laws of Minnesota*.

Special sessions permit legislative decisions at any time of the year

Special sessions permit legislative decisions, if necessary, at times when the legislature is not meeting—or not allowed to meet—in regular session (generally, the summer and autumn months). Typically governors call special sessions for three reasons:

- The legislature does not complete work on vital legislation during the time allowed for the regular session.
- Circumstances require urgent legislative action when the legislature is not convened in regular session.
- The governor feels that negotiations will, on the margin, favor the executive branch during a special session.

It is possible for a special session to run concurrently with a regular session—either because a special session continues after the start of a regular session, or because the governor chooses to call a special session during a regular session. This overlapping of special and regular sessions has occurred only once, in 1981.

Special sessions were rare during the first century of statehood but have been more common since the middle of the 20th century. According to information compiled by the Legislative Reference Library, governors called three special sessions during the first half century of statehood (1857-1906), ten in the succeeding half century (1907-1956), 18 between 1973 and 2000, and 21 in the years between 2000 and 2022. As many as six special sessions have been

⁶ Statutory law purports to allow the legislature to call itself into a special session under rare circumstances; for example, when the state is under attack by enemies of the United States.

called during a single legislative biennium (in 1981-82), and seven during the first pandemic interim, 2020.⁷

Each special session is discrete

Each special session is a separate, free-standing meeting of the legislature, independent of the regular legislative session and any other special session. In a special session, the legislature may not act on legislation from its regular session or another special session; all legislation to be considered must be introduced anew.

The legislature determines the length and scope of a special session

Governors initiate special sessions but have no authority to limit their scope or duration. Nor does the constitution regulate the length of special sessions, as it does regular sessions. Once legislators are assembled in a special session, they constitute a separate branch of state government in charge of its own affairs, and they are free to decide what issues and legislation to consider and for how long to meet. Legislators could decide to take up a large agenda and meet for a lengthy period—even, in theory, until legislative terms of office end and a new legislature convenes in regular session in January of the next odd-numbered year.

Most special sessions are quite concentrated and short

Despite the legislature's unbridled authority to determine the scope and duration of special sessions, long ones are rare. The length of most special sessions is best measured in hours or days. Seldom does one extend beyond a single week. The longest in history—by far—occurred in 1971, when a special session convened in late May and did not adjourn finally until the end of October.

Two common practices contribute to the brevity of most special sessions.

Prior agreement on the business

The governor and legislative leaders seek agreement on the business of the session before the governor calls it. Some agreement on the general scope of the session usually is possible. This is announced publicly before the session and reflected in a general way in the language of the governor's proclamation. A typical proclamation recites the need for essential laws in specified subjects and calls for the prompt conclusion of legislative business, with a limited agenda and as much prior agreement as possible.

Besides seeking consensus on the general scope of the session, the governor and legislative leaders also may attempt to reach more detailed agreements about the content of legislation to be considered. Sometimes this is possible—to the point even

⁷ The seven special sessions in 2020 were the result of statutes giving Governor Walz emergency powers to deal with the COVID-19 pandemic. Exercise of those powers required the governor to convene a special session every 30 days, in order to retain his emergency powers.

that bills drafted before the special session convenes pass into law without any amendment whatsoever. Other times, important matters remain unsettled when the session begins, because the issues are so complex or contentious that the leaders cannot agree or their agreements do not hold once all legislators are assembled.⁸

Expedited procedures

During special sessions, the House and the Senate often pass bills shortly after they are introduced, on the same day. This is accomplished by declaring an urgency, which allows a house to dispense with procedural requirements in the constitution and legislative rules that prevent the quick passage of bills. As described in a separate work in this series *Passing Bills*, two-thirds of the members elected to a house must agree to dispense with the normal procedures to expedite the passage of bills. This support usually is forthcoming, because most legislators wish to curb the length of the special session.

Experimentation with Special Session Customs

During the last two decades, there have been different flavors or kinds of special sessions—instances of experimentation with the usual customs surrounding the calling of a special session. It might be argued that special sessions, once useful and precise tools to complete legislative work, have increasingly proven to be less than sufficient to allow timely completion of necessary budget decisions. Special sessions have also increasingly been criticized as relying almost entirely on closed door decisions, with little public input.

- In 2003, Governor Pawlenty called a special session, without a pre-negotiated deal with legislative leaders, commencing immediately after the end of the regular session. This session lasted for nine days, and culminated in a final deal.
- In 2001, 2005, and 2011, partial government shutdowns resulted from an inability of a special session to conclude work in a timely fashion.
- In 2009, in order to avoid a looming special session, Governor Pawlenty unallotted state expenditures to balance the budget, a set of actions that were later overturned by the courts.
- In 2017, Governor Dayton called an immediate special session without a final deal with legislative leaders, but with pieces of a final deal. The session lasted three days and culminated in a final deal, but subsequently ended in a gubernatorial veto of the legislature's funding and a court standoff.
- In 2020, seven special sessions were required to continue the governor's emergency pandemic powers, and most were simply convened with little business occurring.

⁸ A legislative leader may promise to adhere to a deal, but the legislators in either body may instead prefer to vote for their own ideas; a majority of members control the fate of any legislation.

Internal Organization

The internal organization and operation of each successive legislature is largely the making of legislators serving in that legislature, rather than of constitutional or legal requirements.

Constitutional and statutory directives, though important, are few in number

The constitutional and statutory directives described in this series are profoundly important in legislative affairs.

- The constitution dictates the legislature’s bicameral structure.
- The constitution and state law prescribe the number, qualifications, and term of office of legislators.
- The constitution and state law regulate the frequency and duration of regular sessions and the manner of calling special sessions.
- State law directs that legislators stand for election on a partisan ballot, a requirement that produces the political party caucuses in each house that help organize and structure internal legislative affairs.
- The constitution specifies the basic procedures for making valid law.
- The constitution states that the seat of government is in St. Paul.
- The constitution and state law require that legislative sessions and meetings of legislative committees be open to the public.⁹

But permanent, external directives such as these about legislative organization and procedure are few in number. In keeping with separation of powers principles, the constitution and laws of the state leave the legislature largely to its own devices in organizing its affairs.

A public meeting is required

One of the first principles of parliamentary law is that legislators cannot act by separate consultation and consent; they can only act when properly assembled as a group. A house is properly assembled, according to the constitution, when a quorum—at least a majority all of the members—is present.

The constitution requires that the meeting be open to the public: “Each house shall be open to the public during its sessions except in cases which in its opinion require secrecy.” (A law imposes the same requirement and applies it also to joint sessions of the legislature and to meetings of legislative committees and conference committees.)

⁹ During renovation of the Capitol in 2015, the House and Senate allowed a very limited number of the public into their temporary chambers in order to satisfy this requirement. During the COVID-19 pandemic, televised and internet access to hearings and meetings of the bodies were enhanced to ensure public access.

Each new legislature is in charge of its own organization

Because each regular session is conducted by a distinct legislature, when a new legislature convenes in January of the odd-numbered year, it must organize itself anew: establish its membership, choose its leaders, and decide on its internal organization and rules of procedure.¹⁰

A new legislature must convene and establish its membership

The responsibility for convening a new legislature in regular session is given, by state law, to two elected constitutional officers of the executive branch. On the day in January prescribed by law for the beginning of the regular session, the lieutenant governor calls the Senate to order, and the secretary of state calls the House to order. In the absence of the designated executive branch officer, the law gives the responsibility to the oldest member of the house.

The constitution makes each house the judge of its membership. Therefore, each house must “seat” its newly elected members and administer the oath of office.¹¹ For this purpose, the convening executive branch official appoints a temporary clerk (clerk pro tempore) from among the members of the house. The clerk functions as a record keeper while the house goes about the business of officially accepting its members, administering the oath of office, and electing officers.

Each house of a new legislature must elect officers

The constitution requires each house to elect a presiding officer and other officers as may be provided by law. So after convening and establishing their membership, the Senate and House elect officers. The constitution requires the members to vote orally in these elections and requires the legislative journals to record how each member voted.

Presiding officer

The Senate elects one of its members as the presiding officer, called the president of the Senate.¹² The House elects one of its members as the presiding officer, called the speaker of the House.

State law requires legislators to stand for election on a partisan ballot. As a consequence, the presiding officer of a house normally is a senior member of the

¹⁰ For a special session, the legislature need not organize itself anew. State law declares: “The officers elected, the rules adopted, and the committees established by the legislature and by each house during the preceding regular session shall serve and be in effect during a special session, except as the legislature or a house provides otherwise.”

¹¹ In the regular session beginning in an odd-numbered year falling in the middle of the four-year term of office of senators, the Senate need not establish its membership or administer the oath of office. The Senate merely calls the roll of Senate districts in numerical order.

¹² Until a constitutional amendment approved in 1972, the lieutenant governor, an executive branch official, was the president of the Senate.

political party caucus that controls the house, by virtue of having the greatest number of members elected.

The president of the Senate and the speaker of the House preside at meetings of the House and Senate floor sessions. The presiding officer manages the business coming before the house that day, recognizes members to speak, rules on procedural issues, and maintains order and decorum on the floor. In both houses, and particularly in the Senate, the leader of the majority political caucus (called the majority leader) helps the presiding officer manage the business of the day.

In addition to presiding during floor sessions, a presiding officer may have other duties and authority, given by the membership through legislative rules and custom. The House gives more authority to the speaker than the Senate gives to the president. For example, in addition to presiding over the floor sessions, the speaker stipulates the name and jurisdiction of the standing committees of the House, appoints members to standing committees and conference committees, and refers introduced bills to the committees of the House. The authority bestowed by the House on the speaker in these matters is formally divided by the Senate among the president, the Committee on Rules and Administration, and its Subcommittee on Committees; in practice the Senate Majority Leader is the leader of the Senate.

Staff officers

After the elections of the speaker of the House and president of the Senate, the gavels pass from the convening officials—the secretary of state and the lieutenant governor—to the newly elected presiding officers.

Each house next elects a handful of other officers specified by state law. Unlike the presiding officers, these are staff officers—not members but employees. Most elected staff officers are in positions that assist the presiding officers in conducting floor sessions. These are the secretary of the Senate and the chief clerk of the House, the sergeant at arms of each house, and the chief assistants to these officers. Once the staff officers are elected and assume their posts in the chambers of the House and Senate, the duties of the clerk pro tempore, appointed initially for organizational purposes, come to an end.

Each new legislature must establish its internal organization and procedures

To conclude the business of getting organized, each house must decide upon its internal organization and procedures, and the two houses must agree on the basics of bicameral organization and procedure.

Organizing resolutions

Each house adopts one or more organizing resolutions pertaining to the business of the house and the legislature as institutions of government—employees, parking, facilities, per diem payments, and the like.

House and Senate rules

Each house also adopts legislative rules, a form of self-governance expressly recognized by the constitution: “Each house may determine the rules of its proceedings....” Legislative rules embody the decisions of the house on fundamental matters of internal governance—the allocation of authority within the organization and the rules of parliamentary practice. Legislative rules, for example, grant and limit the authority of legislative leaders, create standing committees, govern the referral of bills to committees, set out procedures for considering bills in committee and on the floor, and establish internal administrative practices and financial controls.¹³

Joint rules

The two houses also must agree upon joint rules. This is accomplished by a means of a concurrent resolution that each house adopts. Joint rules establish common standards for bills and other legislative documents, procedures for inter-house relations on bills and for conference committees, and protocols for transmitting legislative documents to the governor and for conducting joint conventions.¹⁴

Successive legislatures tend to keep proven arrangements and practices

Each new legislature is free to make itself over—to radically change legislative organization and procedure. But in reality these internal arrangements, once proven practical, tend to persist over time from one legislature to the next.

Legislative rules adopted on the first day of session by a new legislature, called temporary rules, usually are simply the rules of the preceding legislature with minor modifications (changing dates, the names of committees, and the like). Some weeks later each house usually adopts permanent rules, which may make more substantial changes in organization and procedure. But usually the permanent rules also stick pretty close to the proven, inherited rules.

¹³ In addition to formally adopted legislative rules, the House and Senate rely on two other sources of legislative law. Past legislative practices—that is, tradition and precedent—are influential in resolving questions of internal organization and procedure. This source of authority is commonly called “custom and usage.” Second, a standard manual of legislative practice offers guidance when formal rules and established usage are lacking. For this purpose, the rules of the House and Senate both require the use of *Mason’s Manual of Legislative Procedure*, published by the National Conference of State Legislatures.

¹⁴ Joint conventions are formal, decision-making meetings of the whole legislature, both houses together. These are rare, in keeping with the bicameral structure imposed by the constitution. The main regular example is the joint convention required by the constitution to elect regents of the University of Minnesota.

The permanent rules may be amended in some particulars later in the session. But, as the name suggests, these rules are expected to govern legislative affairs for the entire legislative biennium—that is, for the life of the legislature that adopts them.

Then when the next legislature convenes, it gets under way by adopting the permanent rules inherited from its predecessor as temporary rules to get underway.

The rules of procedure provide a continuity of formal procedures. Customs and practices have changed in a variety of ways, perhaps especially in how the biennial budget is adopted and agreed upon. Other publications in this series will touch on changes in custom.

About This Series

This publication series describes the formal process of making laws in Minnesota. The series is made up of nine separate publications, each one describing an aspect of the lawmaking process. Together they explain the legislature as a body and the various components and procedures that are involved in creating law.

The first two works in the series describe the structure of the legislature and forms of action in the legislative body. The rest of the works in the series describe steps in the process of making laws, including passing bills, bicameral agreement, review by the governor, the committee system, committee proceedings, a bill on the floor, and making the budget. The complete series is listed here:

- The Legislature
- [Forms of Action](#)
- [Passing Bills](#)
- [Bicameral Agreement](#)
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Earlier Versions

Making Laws was originally published as a comprehensive guide to the Minnesota legislative process in 2005 and written by Tom Todd, former director of House Research. It was updated and republished in 2010 and again in 2018. The current series represents separate chapters in the previously published guide.



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