

Making Laws: The Committee System

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Making Laws is a series of publications that explain the lawmaking process of the Minnesota Legislature. This work is the sixth in the series and explains how the committee system works in the lawmaking process. Please see the list at the end for other works in this series.

Executive Summary

The procedures and practices for legislative committees have a different origin than those for the floors or the bodies as a whole. The fundamentals of making law—passing bills, achieving bicameral agreement, submitting them for review by the governor—are prescribed by the constitution; these legislative rules are designed to enforce constitutional requirements. The constitution has nothing to say about legislative committees or floor proceedings (apart from floor reporting and voting requirements).

The committee system and proceedings on bills in committee and on the floor are a creation of the legislature, exercising authority granted by the constitution to each house to determine its rules of proceedings.

Legislative Committees. Each house establishes committees of various types and defines their scope of authority, role in the legislative process, and lines of accountability. Bicameral committees, with membership from both houses, are few in number and have no formal role in Minnesota’s lawmaking process, but some are influential.

The Referral Requirement. Before undertaking any floor discussion or decision on a bill, a house usually refers the bill to at least one committee for consideration and recommendation.

Referral Decisions. Legislative rules define who makes committee referral decisions and how those decisions may be contested or changed.

Referral Standards. The jurisdiction and legislative authority accorded by a house to each of its committees governs decisions about which committee or committees should consider a bill.

Referral Sequences. When more than one committee has jurisdiction of a bill, the bill is referred to each of the committees in succession. The sequence of referral from one

committee to the next can be important to the fate of a bill. It can also be mysterious and surprising at times, but customary referral patterns exist.

Committee Deadlines. Both houses establish deadlines for committee action on various types of bills. Committee deadlines influence the progression of bills through the committee system, promote orderly decision making, and mitigate the end-of-session “logjam” of bills on the floor.

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Legislative Committees

Each house establishes committees of various types and defines their scope of authority, role in the legislative process, and lines of accountability. Bicameral committees, with membership from both houses, are few in number and have no formal role in the lawmaking process, but some are influential.

The predominant committees are the standing committees of each house

At the beginning of the biennial regular session, each house establishes a set of standing committees. Standing committees are expected to endure—to stand—for the entire biennial session. These committees are newly minted and populated at the start of each regular session.¹ Permanent standing committees of the sort seen in Congress—committees that exist for decades with the same leadership, members, and authority—do not exist here.

Even though the standing committee system is created anew by each legislature, the structure tends to persist from session to session, with only relatively minor changes from one legislature to the next. In recent decades, each house typically has operated with between 20 and 30

¹ Senate committees may have greater continuity when the Senate organizes for a new regular session in the middle of the four-year term of office of senators.

standing committees. The Senate, with half the membership of the House, often uses fewer committees.

The House and Senate follow slightly different procedures in establishing standing committees. In the House, the speaker stipulates the jurisdiction and membership of committees, usually after consulting with other members or an organizing committee of the majority caucus. In the Senate, an organizing committee of the majority caucus, led by the majority leader, determines the jurisdiction and membership of committees. Ultimately, much of the standing committee structure is formally described in legislative rules adopted by each house early in the regular session.

The two houses may confer as they go about establishing standing committees. This discussion, along with the usual continuity of the committee structure, typically produces a committee organization in the two houses that is roughly parallel. Ultimately, though, each house is acting independently in establishing its committees. The internal number of senior members available to be chairs and the divergent policy perspectives of the two houses often produce differences, minor and major, in their committee structures.

Each standing committee has a legislative jurisdiction defined by the house that creates it

A house gives each of its standing committees jurisdiction over a set of legislative subjects and issues. The jurisdiction of a committee is indicated roughly by its name (agriculture, transportation, higher education, etc.) and delineated further in documents produced by the majority caucus and the committees. In addition, legislative rules, described later, formally prescribe the jurisdiction of some committees by requiring that bills with certain content be referred to them. The House has traditionally chosen not to publish a list of committee jurisdictions, which empowers the speaker's prerogatives on bill assignments. Some years, the Senate has published a list of jurisdictions.

The collective jurisdiction of standing committees embraces all legislative subjects

The collective jurisdiction of the standing committees in each house is intended to encompass every possible subject of state legislation. The legislature makes occasional use of temporary committees—sometimes called select committees—established *ad hoc* to deal with pressing or complex issues that spring up during a session. However, both houses tend to rely on their standing committees to deal with whatever comes.

Standing committees are distinguished by their authority and relationship to the house

A standing committee is commonly described as either a full committee or a division, a distinction based on the committee's direct or indirect relationship to the house in which it is set.

Full committees

The existence and authority of a full committee come from decisions of a house, and full committees generally are listed in the legislative rules of each house. A full committee also communicates directly with the house that creates it, receiving bills from the house and reporting them back to the house.

Divisions

A division is a standing subpart of a full committee. A division is akin to a full committee in that its existence and authority come from decisions of the house (unlike subcommittees—see below). The House often lists divisions in its legislative rules as part of the standing committee structure. The Senate does not, but divisions in the Senate nonetheless are established by the Senate through its organizing committee and Subcommittee on Committees.

Although brought into being by action of a house, a division usually stands in a different procedural relation to the house than a full committee. Unlike full committees, most divisions do not always communicate directly with the house that created them but instead receive bills from, and report to, the full committees in which they are set.²

Even though a division may report to a full committee rather than directly to the house, seats on these committees often are coveted assignments for legislators. This is because divisions usually are fiscal committees—the committees that create the indispensable omnibus bills that make up the state budget. Chairing a division may convey as much or more prestige and authority than chairing a full committee.

Some standing committees focus on government finance, others on law and policy

Both houses distinguish also between standing fiscal committees and policy committees.

Fiscal committees

Each house establishes a set of committees with jurisdiction over state revenue (taxes), appropriations (spending), and debt (bonds). Fiscal committees are structured differently by successive legislatures and by the two houses of each legislature. In recent sessions, the following arrangements have been typical:

- **Taxes.** Each house establishes a tax committee and gives it jurisdiction of state tax laws, policies, and revenues and some aspects of state-local fiscal relations. This

² The qualifiers—usually, most—are necessary. Sometimes a house has organized itself so as to give some divisions authority similar to that of a full committee, including the authority to receive bill referrals directly from the house (or from the full committee, *pro forma*, at the direction of the house) and to report bills to the house (either directly or by means of a *pro forma* pass through the full committee).

committee is responsible for writing the omnibus budget bill dealing with these matters.

- **Appropriations.** Each house establishes a set of appropriation (or finance) committees. Each committee is given jurisdiction over some aspect of state spending (e.g., natural resources, education, transportation) and is responsible for writing the omnibus appropriation bill that authorizes spending on state government activities within its jurisdiction.
- **Capital investment.** Each house establishes a committee—lately called the Capital Investment Committee—that is responsible for assembling omnibus bills that authorize the issuance of state general obligation (G.O.) bonds for capital projects.
- **Budget management.** The Senate Finance Committee and the House Ways and Means Committee are both responsible for managing the entirety of the budget. Their purposes are to (a) help develop the position of the house on two fundamental budget decisions—the size of the budget and the allocation of resources among broad government functions, and (b) review omnibus budget bills produced by other fiscal committees, to ensure that they comply with budget control decisions of the house.

Budget management is a central concern of the majority political caucus in each house, and of its leadership, which is responsible for maintaining budget discipline and setting budget priorities. Caucus leaders closely monitor the budgetary implications of committee decisions on omnibus budget bills. The House Ways and Means and Senate Finance committees function as a final checkpoint for these bills before they leave the committee process for the floor.

The House has made longer and fuller use of this type of committee, first established in House rules as the Budget Committee in 1985 and now called the Ways and Means Committee. The role of the committee has varied over the years. From 2007 to 2010, the House had both a Ways and Means and a Finance Committee.³

The Senate's Finance Committee is not quite like the House Ways and Means Committee. On the revenue side, the Senate's tax committee reports directly to the floor. On the spending side, the Senate has usually established a single committee with authority to review spending bills—the Senate Finance Committee—but has occasionally divided the responsibility among several co-equal finance committees.

The chairs of the House Ways and Means and Senate Finance serve both a budget-creating function and a ministerial function, creating a budget with leaders but also helping their bodies move the entire budget through the process on a timely basis. However, they lack power over the budgets, which are determined by the leaders of

³ The use of two committees to share these duties was unusual and did not appear to enhance efficacy.

the bodies and their caucuses. This is because budget strategy is central to leadership duties.

Appropriation Committee Organization

The task of distributing jurisdiction among appropriation committees can be difficult. The arrangement is important to many participants in the legislative process: committee chairs, legislators, state agencies, and lobbyists. A perennial background issue complicating the task is the tension between consolidation and dispersion of authority over spending: some wish to distribute budget decisions among a greater number of appropriation committees and bills, while others favor fewer committees and bills to enhance budget control. Moreover, the two houses usually do not agree completely on the appropriate arrangements.

Because of these and other organizational and political complexities, the distribution of jurisdiction among appropriation committees in the two houses, though usually similar, rarely is identical. And it changes over time in both houses. Three general methods of organizing appropriation committees have been employed in pure and mixed forms:

- Full committees reporting directly to the house—e.g., the Education Finance Committee
- Divisions reporting to a full finance or budget management committee—e.g., the Education Finance Division of the Finance Committee
- Divisions reporting to a full policy committee—e.g., the Education Finance Division of the Education Policy Committee

Policy committees

Each house also establishes a set of policy committees whose jurisdiction focuses on the substance of policies, laws, and government programs rather than on fiscal affairs. Often, the policy committees have jurisdictions that roughly coincide with those of the appropriations committees. For example, a house might establish a transportation policy committee and a transportation finance committee.

The distinction between policy and finance is far from exact. Considerable overlap may exist in the interests and jurisdiction of the policy committee and the finance committee dealing with a common subject like transportation, education, or natural resources. In addition, different legislatures and the two houses have allocated authority differently over the years between policy and finance committees.

In general, though, the stronger hand often goes to the finance committee, because of the importance of money and because the usual bill referral practices described later give the finance committee the last say on bills before floor action. One side effect of this pattern is the intermix of policy and budget provisions, making the finance bills longer and sometimes unwieldy.

Policy and finance may be so intertwined, in fact, that a house decides not to separate them, instead giving a single committee jurisdiction of both policy and finance in some subject, like

health or higher education. This arrangement, combining jurisdiction of both policy and finance in one committee, is similar—in concept, if not always in effect—to the last of those listed in the sidebar on appropriations committee organization (the finance division within a policy committee).

Select Committees

A select committee is appointed by the House or Senate to bring focused attention to a specific issue or societal problem. These committees do not process legislation. Instead, they may issue a report or create draft legislation on a topic or issue that leadership feels deserve special attention separate from the work of processing bills. A select committee may have investigatory duties, or focus on public hearings.

Subcommittees are few, and most are creatures of another committee

Subcommittees, like divisions, are subparts of full committees and usually receive and report bills through the committees in which they are set. But unlike a division, a subcommittee usually is not established by the house but rather is conceived, populated, and put into service by a committee chair needing a subgroup to concentrate—often temporarily, but sometimes for a session—on a specific issue or particularly difficult legislation.⁴

A chair wishing to establish a subcommittee is expected to consult with leaders of the House or Senate. A House rule requires the advice and consent of the speaker for subcommittee appointments. Even so, the subcommittee remains a creature of the committee that created it, deriving its authority and jurisdiction by delegation from the committee, not directly from the house.

Neither house makes extensive use of subcommittees. The powerful standing subcommittees of the type seen in Congress are unknown here.

Bicameral committees may be influential in some legislative decisions

Bicameral committees are established to enhance communication and coordination between the two houses on legislative business. They are composed of an equal number of members from each house. Members may be chosen by the customary appointing authority in each house (the House speaker and the Senate Subcommittee on Committees) or serve *ex officio*, by virtue of holding other legislative office, usually a committee chair or leadership position.

⁴ Here again the qualifiers—usually and most—are needed. A few Senate subcommittees have some of the qualities of standing committees, being established by the Senate, recognized in Senate rules, and even in some cases authorized to report directly to the Senate with the authority of a full committee. Senate subcommittees with some of these unusual powers deal with the legislative process, rather than with the substance of legislation. Examples are the Subcommittee on Committees and the Subcommittee on Ethical Conduct of the Committee on Rules and Administration.

Unlike the standing committees within each house, bicameral committees do not have a formal role in the legislative process. Neither house refers bills to them nor do they introduce or report bills in either house.⁵ Despite their separation from the formal lawmaking process, bicameral committees may be influential in legislative decisions in some subjects.

Broadly speaking, two categories of these committees may be distinguished.

Joint committees

Some bicameral committees are established temporarily by the two houses, so that members of both houses can work together on an important issue. In some cases, citizens and government officials outside of the legislature are included in the membership. These temporary joint committees are called, variously, joint task forces, working groups, advisory groups, or select committees. They may be established by informal agreement between the houses or more formally by concurrent resolution or by a provision in a law, typically a session law.

The legislature is making increasing use of temporary joint committees of this sort. Some have been quite influential, developing legislative recommendations or drafting bills that form the basis for decisions in both houses. One way that an issue can be elevated is through this kind of joint attention to the problem, especially during interims.

Legislative commissions

Legislative commissions differ from joint committees in that they are permanently established by statutory law. Commissions consist of legislators from the two houses; some commissions have citizen members.

Some legislative commissions are established to enhance coordination and communication between the houses on internal legislative operations. The prominent example is the Legislative Coordinating Commission (LCC), a statutory legislative management group composed of the leaders of both houses. The LCC supervises joint legislative staff groups like the Revisor of Statutes and the Legislative Reference Library, among other duties.

Other legislative commissions are established to enhance what is called legislative oversight—the legislature’s constitutional responsibility to monitor the implementation of laws by the executive branch of state government. Examples of this type of commission include the Legislative Advisory Commission, which advises the executive on certain spending decisions, and the Legislative Audit Commission, which conducts financial audits and evaluates the performance of executive branch agencies. In addition

⁵ Conference committees do play a formal role in the legislative process—an important one—described in *Bicameral Agreement*. But a conference committee is not really a joint, bicameral committee. It is, instead, two committees, one appointed by each house, that meet together for a time to negotiate a compromise between the houses on the content of a particular bill.

to these statutory commissions, the LCC has chosen to create standing joint subcommittees to carry out certain oversight responsibilities assigned to the LCC by law. For example, an LCC-created oversight subcommittee advises both houses on state employee compensation plans and union contracts.

Some legislative commissions perform a function similar to conference committees: promoting and negotiating agreement between the houses on the content of legislation. But whereas a conference committee operates toward the end of the legislative process, after a bill has passed both houses, a commission operates more at the front end of the process, attempting to broker agreement on difficult or complex matters before any bill is introduced in either house. Even though these commissions do not have a formal role in the legislative process—neither receiving referrals nor reporting bills—their work is nonetheless influential. Bills recommended by the commissions are introduced in both houses by members of the commissions. Differences can emerge from amendments as the bills proceed through the legislative process. But both houses are inclined to rely on the recommendations of the commissions.

The Referral Requirement

Before undertaking any floor discussion or decision on a bill, a house usually refers the bill to at least one committee for consideration and recommendation.

A bill is referred to a committee when it is introduced and first read

Legislative rules in both houses require that bills be referred to a committee when they are introduced and given a first reading. Neither house normally wishes to debate or take action on a bill until at least one committee has examined the bill, invited public testimony on it, and made recommendations on it to the house.

The referral requirement may be dispensed with for some bills

Legislative rules make two exceptions to the requirement that a bill be referred to a committee when it receives its first reading. Both exceptions are for bills that, when introduced, already have been considered by a committee in some manner. In addition to the two regular exceptions, a house can suspend rules and choose not to apply the referral requirement to any bill.

Committee bills

One exception to the referral requirement is for committee bills. A committee bill is a bill written in a committee and introduced by the chair of the committee on behalf of the committee. A committee bill is recognized by the way authorship is attributed (e.g., Smith, for the Committee on Education ...).

A committee bill may emerge from two committee processes:

- A committee may write a new bill as the outcome of committee hearings and deliberations on some subject
- A committee may assemble a new bill on some subject from parts of several bills that have been referred to the committee⁶

Because a committee bill is the product of a committee when it is introduced, legislative rules do not require referral of the bill to a committee on first reading. The bill may be referred to another committee with jurisdiction. But if no other committee has jurisdiction, the bill remains on the floor for second reading and possible consideration by the full house. A committee bill remaining on the floor in this way does not receive its second reading until the next session day. The one-day lie over is designed to separate the first and second readings of the bill, as required by the constitution and legislative rules.

Companion bills

The other exception to the practice of referring every bill to a committee on first reading arises when a bill passed by one house is introduced and given its first reading in the second house. To ensure that both houses of the legislature act on the same document, as required by the constitution, the second house is obliged to act on the bill from the first house rather than the second house's companion bill on the same subject.

To facilitate the substitution of one companion bill for the other, the bill from the first house is routed by the second house to the procedural location of the companion bill. If the companion bill is still in committee in the second house, the bill from the first house is referred to the committee possessing the companion. If, however, the second house's companion bill already has finished with the committee process and awaits action on the floor, then the bill from the first house is not referred to committee on first reading, as normally would be required. Instead, the bill remains on the floor, and the substitution of bills occurs there.

Companion bills and bill substitution procedures are described more fully in a separate work in this series *Bicameral Agreement*.

Dispensing with the requirement for a particular bill

A bill that does not come within one of the two established exceptions to the referral requirement still may escape referral to committee on first reading, because a house can choose not to apply the referral rule to any bill. Two-thirds of all the members elected to the house must vote in favor releasing the bill from the referral requirement. (Any legislative rule may be so suspended.) This is not a regular practice, but it is sometimes done to expedite passage of a bill. One example is during a one-day special session, when several legislative rules, including the referral requirement, must be

⁶ A committee wishing to combine several bills in its possession into one bill need not always introduce a new committee bill. It can instead use one of the referred bills as a "vehicle" for the content of the other bills.

suspended to allow a bill to move from introduction to final passage in a single day. Procedures for dispensing with such requirements in cases of urgency are described in a separate work in this series *Passing Bills*.

Referral Decisions

Legislative rules define who makes referral decisions and how those decisions may be contested or changed.

The presiding officer makes the first referral; the house makes subsequent ones

As explained earlier and in *Passing Bills*, a bill normally is referred to a committee at the same time it is introduced and given its first reading, without any discussion of its merits. To make this instantaneous referral possible, someone must decide before the daily session begins which committee should see the bill first. Both houses give this responsibility to the presiding officer—the speaker of the House and the president of the Senate.

Decisions about subsequent referrals to other committees, after the first, are made not by the presiding officer but by the house. A house generally makes a referral decision in one of two ways: (a) by adopting a committee report recommending referral of a bill to another committee, as described in *Passing Bills*; or (b) by acting favorably on a floor motion to refer a bill to another committee.

Referral decisions may be changed or reversed

Both houses have procedures to contest, change, or undo referrals. The object may be any of the following:

- to correct a mistaken referral
- to settle a dispute about which committee should receive a bill
- to reorder the sequence in which committees will receive a bill
- to expedite the progress of a bill through the committee system
- to return a bill from a committee to the possession of the house for second reading and floor action

A reversal or change in a referral usually implements an agreement among the leaders, the bill author, and the affected committee chairs. But occasionally an unresolved referral breaks into a discussion on the floor.

Senate Subcommittee on Bill Referral

The Senate has a formal committee process for resolving referral disputes. Any senator may object to a referral, whether it is a decision of the presiding officer on first reading or a referral recommended in a committee report. When a senator objects to a referral, Senate rules require that the bill be referred without debate to the Committee on Rules

and Administration, which has a Subcommittee on Bill Referral, usually chaired by the assistant majority leader. The subcommittee conducts a meeting on the disputed referral and recommends a decision to the full committee. The subcommittee's recommendation is seldom changed by the committee, though it may be hotly debated; the recommendation of the full committee is never rejected or amended by the Senate.

The House does not have a similar committee procedure for intervening to review or change a pending bill referral. The House relies instead on floor motions to fix mistaken or disputed referrals.

Referral motions on the floor

A floor motion may be used in either house to change a referral. Floor referral motions are used less frequently in the Senate than in the House, in part because of the Senate's procedure for diverting referral issues to a committee for resolution.

If a floor referral motion prevails, the effect is to recall the bill from the committee to which it had been referred and refer it to another committee. To prevail, the motion requires the support of at least a majority of all the members of the house (34 of the 67 senators, 68 of the 134 representatives), not just a majority of those voting. In the Senate, the motion also requires the concurrence of the author and, after the committee deadline on the bill, the support of three-fifths (41 senators).

Normally, the motion to change a referral is made by the bill author or a committee chair after discussion and agreement among the author, the affected committee chairs, and leadership. In such cases, sometimes after a question or two from other members, the motion usually is accepted *pro forma*, without objection or upon a voice vote.

Occasionally a referral issue on a contentious bill is not settled privately but erupts on the floor. A disaffected member—usually the bill author, occasionally another member or even a committee chair—attempts by floor motion to move a bill from one committee to another, over the objections of committee chairs, leaders, or others. In the House, a member also may use a floor motion to challenge a referral decision or recommendation, something that in the Senate would be dealt with by referral to the Subcommittee on Bill Referral. Outside of leadership referrals, referral motions on the floor are unusual and only occasionally succeed.

Because floor referral motions may be controversial, they are not adopted in bulk (unlike, for example, motions to change bill authors). Each referral motion is offered and considered separately. The presiding officer calls upon the member making the motion to explain the reason for it and to report on who has been consulted about it.

Recall motions on the floor

Less common than the motion to move a bill from one committee to another is the motion to recall a bill from the committee process entirely, with the object of keeping it in the possession of the house for possible floor action. Some recall motions are

unobjectionable; others are contentious and rarely employed successfully. Much depends on the purpose of the member making the motion.

- **To expedite house action on a bill**

The usual purpose of the recall motion is to expedite the passage of a bill, by cutting off the committee process and moving the bill immediately to second reading and action on the floor. This is not a regular practice and generally is the result of an agreement among the leaders, chairs, and key members to expedite consideration and passage of a bill that is in the possession of a committee.

It is even possible by floor motion to recall a bill from a committee, give it a second reading, debate and amend it, give it a third reading, and pass it—all on the same day. This requires the house to dispense with constitutional requirements and legislative rules separating the days on which a bill is reported, an action that requires more than the majority support needed for the usual recall or referral motion. For this sweeping motion to prevail, the constitution and legislative rules require that it win the support of at least two-thirds of all the members elected to a house (90 of 134 representatives, 45 of 67 senators).

- **To dislodge a bill trapped in an unfriendly committee**

A committee is not required to report every bill referred to it, or even give every bill a hearing. Many bills are referred to committee and remain there permanently. Either they are not given a hearing by the chair, or they are rejected by the committee after a hearing.

Both houses have procedures that a member, including a disappointed bill author, may use to extract a bill from a committee that is not favorably disposed to the bill. The Senate procedure has the member apply to the Senate Committee on Rules and Administration. The House has two mechanisms: one using a floor motion, the other a procedure designed to force the committee to vote on the bill.

These recall procedures are seldom used, and almost never successfully by disappointed bill authors over the objections of the committee chair or leaders. The members of the majority caucus tend to regard the attempt as an attack on the committee process, on the affected chair, and on the majority caucus. For this reason, the recall procedures often include mechanisms that allow the majority to prevent recall if need be.

Despite the apparent futility of using a floor motion to free a bill from the grip of a hostile committee, disappointed authors of contentious bills sometimes mount such efforts, usually less with an expectation of success than for the purpose of expounding on the issue on the floor (“why is this important bill being suppressed?”). Because recalling a bill over the objection of the chair or leaders is so difficult, the author of a bill lodged in a committee usually turns to other

remedies: bringing pressure to bear on the chair, introducing another bill with the object of getting it referred to a different committee, waiting for the companion bill to come over from the other body, or—the simplest remedy—recasting the bill as an amendment to another bill on a related subject elsewhere in the legislative process.

Referral Standards

The jurisdiction and legislative authority accorded by a house to each of its committees governs decisions about which committee or committees should consider a bill.

Referrals are governed by the allocation of legislative jurisdiction among committees

When it establishes its standing committee system at the start of a biennial session, a house defines the substantive jurisdiction of each committee by naming it and describing its scope of authority.

Bill referral decisions during the session implement these initial jurisdictional arrangements. Each bill is referred to the standing committee or committees with authority over the subject of the bill.

Legislative rules state some referral standards with greater particularity

In addition to the allocation of jurisdiction embodied in the standing committee system, both houses have adopted some referral standards as part of their permanent rules. These referral rules establish the jurisdiction of some committees with greater force and precision by requiring that bills with certain types of provisions be referred to certain committees.

Bills affecting state government operations

Both houses have or have had a rule governing the referral of bills that affect state government agencies or operations in certain ways.

In 2021, the House repealed its rule that directed to its government operations committee any bill that creates a state agency or substantially changes the organization or power of an agency or executive official. As a result, the House has chosen an arguably less direct or consistent form of oversight over state agency changes.

The Senate directs to its government operations committee any bill proposing a government board or commission to which legislators may be appointed. The Senate also requires the referral of such a bill to its Committee on Rules and Administration.

The Senate directs to their government operations committees bills that bear on the authority of executive branch agencies to promulgate administrative rules (the statutory

term for what are commonly called government regulations).⁷ Any bills that give administrative rulemaking power to state agencies or that exempt agencies from statutory rulemaking requirements have traditionally been referred to the government operations committee in both houses, but the House removed this rule in 2021. For example, a bill reported by the environment committee authorizing a state agency to issue administrative rules regulating waste disposal would have been referred to the government operations committee before it could be considered on the floor.

Bills affecting criminal sanctions

A Senate rule requires that any bill authorizing or increasing a sentence of imprisonment in a state correctional facility (that is, felony sentences) must be referred to the Senate committee dealing with criminal justice. Although not stated by rule, the House customarily refers bills imposing any criminal penalty (misdemeanor and up) to its committee that deals with criminal justice.

Bills in the House affecting data practices

A House rule requires bills affecting government data practices to be referred to the committee responsible for data practices. This was softened with more chair discretion in 2021.

Bills in the House proposing constitutional amendments

A House rule requires that a bill proposing an amendment to the state constitution be referred to the Committee on Rules and Legislative Administration.

Bills in the House proposing memorials

A House rule requires that a bill proposing a new memorial in the area around the Capitol building be referred to the Committee on Rules and Legislative Administration.

Bills with a fiscal effect

Both houses have rules governing the referral of bills affecting the state's budget or fiscal affairs.

- A House rule requires that bills affecting taxes be referred to the tax committee. The Senate has no express rule on tax bill referrals, but the practice is the same as in the House.
- In both houses, bills that make or affect appropriations must be referred to an

⁷ Administrative rules have the force and effect of law, even though they are not enacted through the legislative process. The legislature naturally wants to restrain extra-legislative lawmaking by state agency officials. An agency may not adopt rules on a subject unless it is expressly authorized to do so by law. An agency must adopt rules following exacting procedures prescribed by law. The legislature's referral requirement was another means of keeping a handle on grants of administrative rulemaking authority.

appropriation committee.

- Bills dealing with the issuance of state bonds for capital projects must be referred in the House to the Capital Investment Committee.

Members and committee chairs are quite vigilant about enforcing these referral rules. If a bill appears on the floor that does not meet a requirement found in a legislative rule, an objection from the floor is possible, even probable, and absent a suspension of the rule by a two-thirds vote, the bill is likely to be sent off to the committee named by the rule.

However, in 2021 the House removed some mandatory referral rules, and widened the latitude given to Chairs by adopting a new rule that allows Chairs to determine whether to forgo seeing any particular bill. This was adopted because of a sense that the mandatory referrals were creating an obstacle to efficient processing of legislation.

Referral Sequences

When more than one committee has jurisdiction of a bill, the bill is referred to each of the committees in succession. The sequence of referral from one committee to the next can be important to the fate of a bill. It can also be mysterious and surprising at times, but customary referral patterns exist.

Many bills are referred to more than one committee

If only one committee has jurisdiction of the subject of a bill, the bill goes only to that committee. But many a bill has provisions that bring it within the jurisdiction of more than one committee. Such bills are referred to each committee with a claim.

Complex, contentious, or far-reaching bills may be referred to many committees. Two recent examples: a bill restricting telemarketing calls went through four committees in each house before floor consideration; a bill on school employee insurance went through seven committees in the House and five in the Senate before floor consideration. More recently, matters such as marijuana legalization have been drafted in a broad manner, giving many committees a slice of the bill to review.

A bill is referred to one committee at a time, in succession

Although referral of a bill to multiple committees is common, a bill is never in the possession of more than one committee at the same time.⁸ Instead, a house refers the bill to one committee after another, in succession. After each referral, the bill is in the sole possession of that committee (including subordinate committees, like subcommittees or divisions). When the committee reports the bill recommending another referral, after the house adopts the report,

⁸ The use of duplicate, or “clone” bills is a practice that expedites multiple committee review. Although members may seek this route, leadership assistance is required to allow this practice.

the bill moves forward to the next committee. If the committee does not report the bill, it may remain in the possession of that committee permanently.

The referral sequence can be important and sometimes confusing

For many bills, the order of their referral from one committee to the next is of little consequence and easily settled by consultation between authors and committees. But for some complex or controversial bills, referral sequence may be an important substantive or strategic consideration. Early referral to an unfriendly committee may doom a bill before it has a chance to gain momentum. An amendment adopted by one committee may be excised or altered by the next. An amendment in one committee may bring the bill suddenly within the scope of other committees hitherto without jurisdiction. The committee that considers a bill last may be important, for the report of this committee determines the content of the bill when debate commences on the floor.

When referral sequence is important or unsettled, the bill author, leaders, and various committee chairs may engage in much private negotiation about which committees should see the bill and in what order. The result may be a clear and certain course, or it may be an unlikely amalgam of the wishes of the author, the convenience of the chairs, committee hearing schedules, various strategic considerations, and, at times, simple confusion. And any committee in the chain, just by adopting an amendment to the bill, may force a decision as to possible course alteration.

Most bills follow coherent and customary paths through the committee system

Though some bills seem to meander from committee to committee in a convoluted, even perplexing sequence of referrals, most follow fairly coherent and well-trod paths through the committee system.

Main subject → ancillary subjects

One source of customary bill referral practice is a distinction between the main subject of the bill and supporting provisions. Many bills have a primary subject but contain one or more ancillary provisions that may fall within the jurisdiction of another committee. Usually such a bill goes first to the committee with jurisdiction of the primary subject and then to one or more committees that deal with the ancillary provisions. Almost any committee may have secondary jurisdiction of a bill, but some tend to have it more often. These include the committees dealing with state agency operations, civil law, criminal justice, taxes and spending, and the rules committees.

An example of this referral pattern might be a bill dealing with off-road vehicles. The bill provides for the regulation of off-road vehicles on public land and establishes state programs and trails for such vehicles. It also contains a provision imposing criminal penalties for certain vehicular offenses and another provision allowing a state agency to adopt administrative rules regulating off-road vehicles. The bill likely would be referred

first to the committee with jurisdiction of natural resources and thereafter to the committees with jurisdiction of criminal justice and state agency operations.

Sometimes, of course, it is not clear which subject is primary and which ancillary, or which ancillary subject should be considered first and which second or third. A bill dealing with drainage issues, for example, might be of nearly equal concern to several policy committees: agriculture, natural resources, transportation, or local government. For such a bill, the author, committee chairs, and leaders try to work out an acceptable, strategic, and more or less sensible sequence of committee referrals. The title of a bill contains a first and quite powerful tool to aid in deciding the bill's pathway.

Policy → finance

If a bill deals only or mainly with state taxes, spending, or debt, it may be referred directly upon first reading to the appropriate fiscal committee. Such a bill may never go to any policy committee. Conversely, if a bill deals only with state policies or laws or agency affairs and has little or no fiscal effect, it is referred to one or more policy committees and then to the floor, bypassing the fiscal committees entirely.

But many bills mix policy and finance, by proposing changes in both law and finance or proposing changes in law that may have significant financial effects. A bill that mixes policy and finance in this way must be referred to both policy and fiscal committees before floor action. The usual referral sequence is that the bill goes first to the policy committee or committees and then to fiscal committees for final consideration before action on the floor. This gives the fiscal committees the final committee-level say over bills that affect both policy and finance. Because so many bills are not "pure" policy bills but have direct or indirect effects on state finances, this bill referral pattern has a sweeping effect on legislative proceedings.

A committee may refer a bill to a subordinate committee

A bill may be referred by a house to a committee and then referred by the committee to a subordinate committee or subgroup, like a division or subcommittee. The referral may be a choice of the committee chair, or it may be required if the legislative authority of the subordinate committee is established by order of the house as part of the standing committee system.

The actions of the subordinate committee take the form of a report on the bill to the committee.⁹ The content of the report is similar to the content of a full committee report: recommendations on the text and the disposition of the bill. (See the separate work in this series, *Committee Proceedings*) When the full committee takes up the bill, the chair of the subordinate committee presents the report. The committee then adopts the report, which accepts any amendments to the bill recommended by the subordinate committee and puts the

⁹ Occasionally a bill also may return to the referring committee by recall rather than report. That is, the chair of the committee may decide to recall a bill previously referred to a subordinate committee but not yet reported.

bill, as amended, before the committee for action. After the committee adopts the report, the author of the bill takes over the presentation. The committee then proceeds to act on the bill, debating it, perhaps further amending it, and finally deciding whether and how to report the bill to the house.

In the House, a committee may refer a bill by memo

From 2007 through 2010, the House aggressively used a method of referral by memo. The chair of the House Finance Committee was allowed to move bills from full Finance to a division of Finance, or between divisions of Finance, through a memo, published to the Internet, moving the bill from one stop to another. This allowed multiple hearings between different divisions of the Finance committee, in an expedited fashion. The House also adopted a rule allowing a division to refer a bill directly from the floor, and to refer that bill, upon passage, directly back to the floor, if the bill did not have a financial impact. These rules were designed to allow bills to move easily between divisions of the full Finance committee; arguably, the existence of both a Finance and a Ways and Means Committee during these years in the House made such an informal standard earlier in the process more efficient.

This process was used in an extensive fashion during the 2019-2020 biennium and was the subject of ferocious debate and opposition by the House minority. The argument against this process was the confusion and lack of transparency that opponents saw in its implementation.

Committee Deadlines

Both houses establish deadlines for committee action on various types of bills. Committee deadlines influence the progression of bills through the committee system, promote orderly decision making, and mitigate the end-of-session “logjam” of bills on the floor. Committee deadlines are a perennial source of confusion to members and staff, and understanding how they force a calendar-based focus on the legislative process is a key to understanding how the Minnesota Legislature gets its work done.

Normally both houses set deadlines for committee action during a session

Both houses usually set the same committee deadlines, arrived at by agreement among legislative leaders. In most sessions, the deadlines are promulgated formally, in a resolution adopted by one or both houses. Other times, there is no formal resolution; the deadlines are communicated informally by memo or announcement from the leaders. Occasionally the leaders do not achieve an agreement on the deadlines, and each house sets deadlines on its own.¹⁰

¹⁰ In addition to formal deadlines for committee action, the leaders of the two houses often also informally schedule and allocate floor time for bills, which creates other deadlines and sequences of committee action on bills.

Three deadlines are customary—one for omnibus budget bills, two for all others

Typically the houses establish three deadlines. The first two deadlines come earliest and apply to policy bills. The third deadline applies to the omnibus appropriation bills that make up the state budget. In general, the deadlines move bills through policy committees toward the floor or to fiscal committees, supporting one of the referral patterns described earlier.

All three deadlines typically fall about a week or two apart, into the four-week period preceding the final four weeks of an annual session.

The first deadline applies to bills in the house of origin

By the first deadline, a bill must clear most committees in the house of origin: House committees must finish action on House bills; Senate committees must finish action on Senate bills. The first deadline usually comes about seven or eight weeks before a session is expected to end that year.

A committee has until the second deadline to finish action on a bill, if the companion bill in the other house has met the first deadline. For example, a House committee need not finish action on a House bill by the first deadline if committees in the Senate have finished work on the Senate companion bill. Committee chairs in the two houses may coordinate action on bills as the first deadline approaches, to make the best use of this exception.

The second deadline applies to all other bills except omnibus appropriation bills

By the second deadline, committees must act on house of origin bills that escaped the first deadline. Committees also must finish action on bills that have come over from the other house and been referred to a committee in the second house—that is, Senate bills in House committees, and House bills in Senate committees.

The second deadline usually follows the first by about a week or two. This is the final deadline for committee action on most bills. By this time, most bills must clear most committees in both houses. After the second deadline, legislative activity in committees in both houses comes largely to an end, except for action on the omnibus budget bills.

Joint rules do allow many bills to “meet” first deadline and delay action until second deadline, through the statement that “a committee has until the second deadline to act favorably on a bill, or the companion of a bill, that by the first deadline was referred to a finance committee.” This allows bills that are introduced and sent directly to a policy and finance committee to have “met” first deadline and subjects these to completion by second deadline.

The third deadline applies to omnibus appropriation bills

The omnibus appropriation bills that authorize spending of state funds are exempt from the first two deadlines. After the second deadline, these bills become the focus of committee activity. The finance committees or divisions with primary jurisdiction over the omnibus appropriation bills must finish action on them by the third deadline. The third deadline comes about a week or two after the second deadline.

Other ways have been tried

During the 2007 session, the House and Senate chose to have different deadlines for each body, but these differing deadlines were adopted in a single concurrent resolution.

During the 2011 annual session, the first deadline was for budget bills, and a later policy deadline was created. The goal was to move the budget through quicker and to give more time for separate policy initiatives to pass. During that same year, the Senate proposed that the legislature adopt a base budget, to further change the pattern of budgeting and policy stalemate, but that proposal was not adopted.

Attempts have been made to create a fourth or a fourth and fifth deadline, usually related to requiring joint budget targets to be agreed to by the House and Senate, and sometimes a deadline for completion of conference committee work. These have been agreed to by memo, but usually not included in the actual deadlines resolution adopted by both bodies.

There is nothing to stop the bodies agreeing to different deadlines, either formally or informally, as long as these do not violate any constitutional requirements. The joint rule requiring deadlines is superseded in the particulars by adoption of a joint, concurrent resolution.

A few committees are exempt from the deadlines

After the third deadline, a bill should be out of all committees except for ones that are exempt from the deadlines. The list of exempt committees may vary somewhat from one session to another, and between the houses, but generally it comprises the committees that have final committee-level responsibility for budget legislation and those that are responsible for managing the flow of bills to the floor. These are the following:

- the committee in each house charged with keeping state spending within budget limits set by the house, currently the House Ways and Means Committee and the Senate Finance Committee
- usually, but not always, the tax committee in each house
- usually, but not always, the committee in each house responsible for preparing the omnibus bonding bill, currently the Capital Investment Committee
- the rules committee of each house

When the tax and capital investment committees are exempt from deadlines, technically there is no deadline for the omnibus tax bill and the omnibus bonding bill. But the third deadline is then customarily applied by leadership fiat.

A bill that misses a deadline may be rescued from oblivion

A bill that misses a committee deadline is not necessarily doomed. A committee can still report the bill after the deadline, but legislative rules require that the bill be referred to the rules committee in that house. The rules committee decides whether the bill will be allowed to go forward despite having missed the deadline. This is not a regular practice, but each year some late bills move forward in this way. (For the disposition of the others at the end of the first year of the regular session, see a separate work in this series, *Forms of Action*.)

There are at least two other ways to revive prospects for a bill that has missed the deadline for committee action. One method is to attempt to recall the bill from committee by a floor motion, as described earlier. Recall procedures seldom are used successfully to rescue a late bill. A determined bill author is more likely to resort to the second salvage method, which is to recast the late bill as an amendment to a bill on a related subject elsewhere in the legislative process.

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](#)
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- [Review by the Governor](#)
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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.



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

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