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**Making Laws** is a series of publications that explain the lawmaking process of the Minnesota Legislature. This work is the third in the series and explains the procedures that each body of the legislature uses to pass bills. Please see the list at the end for other works in this series.

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## Executive Summary

The constitution dictates requirements that each house must satisfy to pass a bill. Each house has established procedures to meet these constitutional requirements. The fundamentals of the reporting and majority vote requirements are outlined here.

**The Reporting Requirement.** The constitution requires each house to report a bill on the floor three times before asking members to vote on whether it should pass. To accommodate the constitutional reporting (“reading”) requirement, each house has adopted the same six-step procedure for acting on bills.

**Step 1: First Reading.** When legislators who are sponsoring a bill put it before the members of a house, they are said to introduce the bill in that house. A bill receives its first reading when it is introduced.

**Step 2: Committee Consideration.** A bill normally is referred to a committee when it is introduced and given a first reading. Some bills are referred to just one committee, others to two or more committees in sequence. A committee has several options for dealing with a referred bill. If the committee acts favorably on the bill, the committee returns it to the house with a report conveying the committee’s recommendations. After the house adopts the committee report, the bill moves forward.

**Step 3: Second Reading.** After a bill has been reported by all committees with jurisdiction, the bill receives its second reading. Second reading of a bill signifies that the bill is finished with consideration by committees of the house and ready for consideration by the whole house.

**Step 4: Floor Consideration.** Between its second and third reading, a bill is considered by the house on the floor, where all members are able to hear about the bill, discuss it, and propose and vote on amendments to it.

**Step 5: Third Reading.** A bill receives its third and final reading after a house has finished disposing of any amendments to the text of the bill that are proposed during floor debate. Third reading signifies that work by the house on the content of the bill is finished, and the bill is ready for the vote on passage.

**Step 6: Vote on Passage.** The parliamentary way of making a decision is by taking a vote. After the third reading and any final debate, the members of the house vote on whether the bill should pass.

**The Majority Vote Requirement.** For a bill to pass a house, at least a majority of all the members elected to the house must vote in favor of it. In each house, the vote on passage is a roll-call vote and the result is recorded in the journal.

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## The Reporting Requirement

Notice is fundamental to due process. The constitution imposes a bill reporting requirement on each house, to ensure that legislators know at least a minimal amount about a bill before they vote on whether it should pass. The requirement has three elements:

- A bill must be reported to a house three times before the house votes on whether it should pass
- Each report must be on a different day ...
- ... unless two-thirds of the members of the house agree to dispense with the separation of reporting days

## A bill must be reported—“read”—three times in each house

The constitution requires a house to report a bill three times to its assembled members before asking them to vote on it. Because each house must make these reports, a bill ultimately must be reported six times<sup>1</sup> before it can pass the legislature.

### “Readings”

The three reports required before the vote on passage are commonly called “readings” of the bill. The term survives from a time in parliamentary history when bills were read aloud to legislators on the floor.

Currently bills are not read aloud on the floor. The object no longer is to communicate what the bill says but instead to provide notice of its existence and its status in the legislative process. This notice is provided mainly by calling attention to the file number of the bill and by reference to its presence on a list of bills being reported that day. Those wanting more information about a bill must consult the list, which is available both on paper and on the Internet. The list shows vital information about each bill: file number, title, authors, and procedural status.

Bills usually are given their first reading collectively, so that all bills being introduced that day are dealt with in just a few moments. Second and third readings more often announce bills individually. The third reading, before the vote on passage, may include the first words of the bill’s title, which provides notice of the subject of the bill.

To reflect these contemporary practices, when the language of the constitution was modernized in 1972, the word “report” replaced “reading.” But the older constitutional use of “reading” is still in common use at the legislature.

## Each report must be on a different day

The constitution requires a house to make each of the three reports on a different day. This is intended to slow the legislative process, promote deliberation, and inhibit precipitous legislative action.

Because both the Senate and the House must separate the three reporting days, five is the minimum number of days ordinarily required for the legislature to move a bill from the beginning to the end of the legislative process in both houses. A sixth day is not needed, because the last reading in one house and the first reading in the other can occur on the same day without violating the constitutional requirement.

<sup>1</sup> At a minimum, it takes five days to pass a bill without a suspension of rules—three readings in the first body, transmission and a first reading in the second body on the day of transmission, and two more readings in the second body.

## Unless two-thirds of the members declare an urgency

The writers of the constitution recognized that fast legislative action might sometimes be warranted, so the constitution allows a house to dispense with the requirement separating the three days on which a bill must be reported.

To restrain casual use of this method of speeding consideration of legislation, the constitution specifies a standard for the action and requires more than a majority of members to agree to it. The three reports must occur on different days “unless, in case of urgency, two-thirds of the house where the bill is pending deem it expedient to dispense with this rule.”

The phrase “two-thirds of the house” has been construed to mean two-thirds of *all* the members of the house, not just two-thirds of those present. Accordingly:

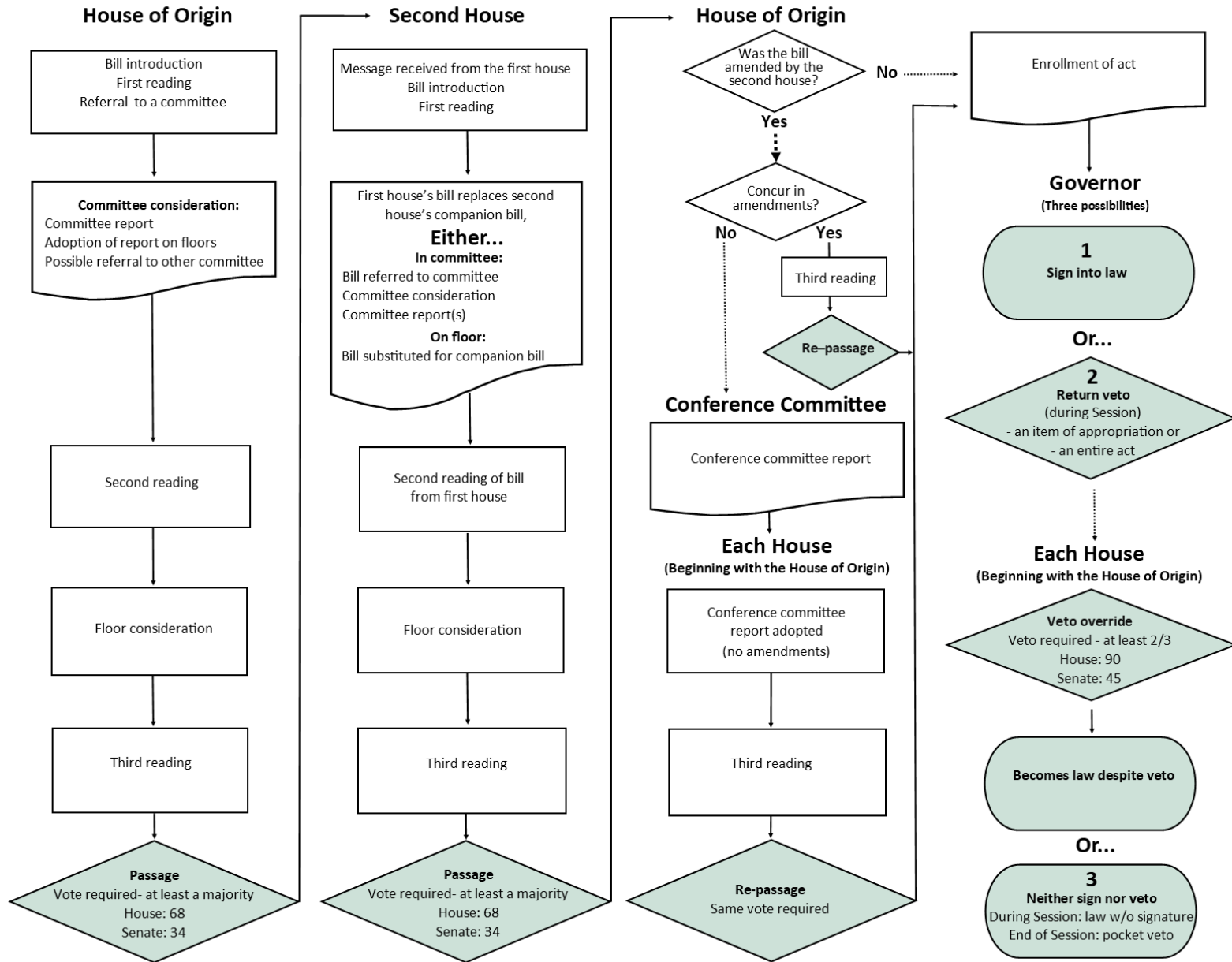
- A minimum *number* of members must agree to declaration of an urgency: in the House, at least 90 of the 134 representatives; in the Senate, at least 45 of the 67 senators.
- A member not voting has the same effect as voting in the negative, for purposes of attaining the number of votes required to declare an urgency.

If at least the required number agree to expedite passage of a bill, the bill may receive its second and third readings—or even all three readings—in a single day. Because both houses may do this, a bill can go through both houses of the legislature, from first reading to final passage, in a single day. During a one-day special session, the legislature does exactly that.

## Both houses use a six-step procedure to accommodate the reporting requirement

The constitution leaves it to the House and Senate to decide when during consideration of a bill the three reports should occur. Both houses have adopted the same general practice, inserting between each report sufficient time for legislators to consider the bill, first in committee and then on the floor. The result is a six-step procedure for moving bills through each house, shown most clearly in the left column of the flowchart on page 5. The flowchart does not show that the three readings occur on different days, but normally they do.

### Overview of the Legislative Process



## Step 1: First Reading

The legislative process begins officially when one or more legislators “introduce” a bill—that is, put it before other legislators for their consideration. A bill receives the first of the three constitutionally required reports when it is introduced. These two actions—introduction and first reading—are aspects of the same order of parliamentary business on the floor. At this time also, a bill normally is referred to a committee for consideration.

### Order of Business

Many routine floor activities, like readings of bills, are part of an orderly sequence of parliamentary business followed during each day’s floor session. The sequence is set out in a legislative rule called the “Order of Business.” The rule of each house is different in detail but similar in pattern, designed so that the necessary bill-passing steps occur each session day in a logical and natural sequence. So, for example, the second reading of bills follows committee reports on bills; the first reading of bills from the other house follows messages from the other house; and floor debate and voting on bills come after bills are read and committee reports are adopted.

The order of business is followed routinely but not rigidly. The rules permit a house to alter its normal order of business, skipping forward or backward to meet the exigencies of the moment. This becomes more common as the tempo of legislative floor activity and interhouse exchange accelerates toward the end of session. The rules require a majority vote of the whole house to alter the order of business, but usually this is accomplished easily: the presiding officer simply announces a change “without objection” (unanimous consent is assumed) or with a quick *pro forma* oral vote.

Some important legislative activities are not part of the regular order of business, which allows a house to attend to them at any time during a day’s session. Examples of these unfixed proceedings include conference committee reports, reports of the rules committee of each house, Special Orders in the Senate, and the Fiscal Calendar in the House.

### Bill authors must submit their bills to house officers in advance

The chief author of a bill must submit it to officers of the house in advance of the time it is to be introduced and receive its first reading. This is often described as “dropping the bill into the hopper.” A House rule requires that a bill be submitted at least 24 hours before the beginning of the session at which it is to be introduced; the Senate follows a similar day-ahead practice without a rule. The House normally convenes floor sessions in the afternoon, so authors submit bills by the early afternoon of the day before the intended day of introduction. The Senate usually convenes its sessions in the morning, so authors submit bills by 11:00 a.m. on the last working day before the intended day of introduction.

### Officers of the house prepare the bills for introduction and first reading

Bills are submitted a day early to give officers of a house time to prepare the bills for initial floor action, assign a file number to each bill, prepare a list describing all the bills being introduced, and make decisions on the first committee referral of each bill.

## **File numbers**

To keep track of bills, each house independently numbers its bills in the order that they are introduced in that house. As described in *Forms of Action*, bills are called *files* for this purpose: House File No. 1, Senate File No. 1, and so on. Assigning file numbers to bills as they are about to be introduced is the responsibility of the chamber staff in each house, headed by the chief elected staff officer of each house (chief clerk of the House, secretary of the Senate).

## **Bill introduction lists**

The chamber staff also prepares a list showing essential information about each bill being introduced: file number, author(s), title, and committee of first referral. The bill introduction lists are available for examination, both in paper and on the Internet when the daily session begins. In the House, the list of new House bills is entitled “Introduction of Bills,” while the list of Senate bills being introduced in the House, after passing the Senate, is entitled “Introduction and First Reading of Senate Files.” In the Senate, the list of new Senate bills is entitled “Senate Bill Introduction”; the list of House bills being introduced in the Senate, after passing the House, is printed in the “Senate Agenda.”

The information contained in the bill introduction lists appears later in the journal for the day. Occasionally the journal differs in some particulars from the introduction list—for example, when a bill referral is changed after a list is prepared. The journal, not the introduction list, is the official record.

## **First committee referrals**

Finally, during this interval between submission of the bill and its introduction, decisions are made by the majority caucus leadership about committee referrals. A bill normally is referred to a committee when it is introduced and first reported to a house, without any floor discussion. To allow the first referral to occur at once, each house delegates to its presiding officer the authority to decide, before the daily session begins, which committee should receive each bill being introduced. Choice of committee is partly constrained by past jurisdictional patterns, but in the end is discretionary.

## **Introduction, first reading, and referral of all bills for the day takes little floor time**

These three procedural actions—introduction, first reading, and referral of all bills for the day—take just seconds on the floor. House of origin bills (Senate bills in the Senate, House bills in the House) are introduced and given their first reading collectively, by reference to their file numbers or to the introduction list for the day. Bills sent over from the other house may be introduced and given their first reading individually, but still only by file number.

## Step 2: Committee Consideration

Between its first and second readings, a bill normally is considered in one or more committees. Thus, a bill usually is referred to a committee when it is introduced and given a first reading. Some bills are referred to just one committee, others to two or more committees in sequence. A committee has several options for dealing with a referred bill. If the committee acts favorably on the bill, the committee returns it to the house with a report conveying the committee's recommendations.

Referral procedures are described in greater detail in other works in this series; see *The Committee System* and for committee practices and committee reports, *Committee Proceedings*.

### **A house and its committees communicate about bills by means of referrals and reports**

Referral transfers jurisdiction of a bill from a house to one of its committees. When a house refers a bill to a committee, it conveys physical possession of the jacketed bill to the committee. In Congress and some other states, this is calling "committing" the bill to a committee.<sup>2</sup>

If the committee to which a bill is referred acts favorably on it, the committee returns it to the house with a report conveying the committee's recommendations on the disposition of the bill.<sup>3</sup>

### **Referral to at least one committee normally is required**

Neither house normally wishes to decide the merits of a bill until at least one of its committees has examined the bill, invited public testimony on it, and made recommendations about it to the house. For this reason, the legislative rules of both houses require that a bill be referred to a committee when it is introduced and given its first reading. In the House, the speaker makes the referral of each bill to "the appropriate standing committee." In the Senate, the president makes the referral "without motion to the proper standing committee unless otherwise referred by the Senate."

### **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:

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<sup>2</sup> During the COVID-19 pandemic when some legislative work was being done remotely, the actual bills were not sent to the committee. After COVID and work-at-home rules eased, this practice of keeping files centralized is being tested and may continue if this filing system proves preferable.

<sup>3</sup> After 2007, House Rules have allowed reference of a bill between finance committee divisions by memo. In 2014, the House stopped recommending that a bill "do pass" and instead simply recommend that a bill be referred to the next parliamentary stop.



- committee bills
- companion bills from the other house in some situations

Both exceptions are for bills that, when introduced, already have been considered by a committee in some manner.

A bill that does not fall within one of these two established exceptions still may escape referral, because a house may choose to release any bill from the referral requirement. Two-thirds of all the members elected to a house must vote in favor of not applying the referral rule. (Any legislative rule may be so suspended.) This is not a regular practice, but it is done sometimes to expedite passage of a bill—for example, during a one-day special session.

### **A bill may be referred to more than one committee**

A house may refer a bill to just one committee before taking it up on the floor, if only one committee has jurisdiction. But many bills affect the jurisdiction of more than one committee, so it is common for a bill to be referred to two or more committees before action on the floor.

A bill is never referred to multiple committees at once.<sup>4</sup> Referrals are sequential, so that only one committee has possession of the bill at a time. If the committee possessing the bill reports and its report is adopted by the house, the bill moves forward in the process. If not, the bill remains in the possession of the committee and expires there when the session ends.

Procedurally, referrals to other committees, after the first, are accomplished by different means than the referral at first reading. As described earlier, the first referral normally is made by the presiding officer. Subsequent referrals, if any, are decisions of the house, not the presiding officer. Usually a house makes the decision to refer a bill by adopting a committee report recommending that the bill be referred to another committee named by the report. A less routine—but not extraordinary—method of accomplishing a referral is by favorable action on a floor motion.<sup>5</sup>

### **A committee has three general options for dealing with a bill referred to it**

Both houses give their committees much autonomy and latitude in dealing with bills referred to them. Generally a committee can dispose of a bill in its possession in three ways:

- **Retain the bill**, never returning it to the house. In doing this, a committee performs a screening function, stopping some bills from proceeding further in the process. This may be the result of a decision of the committee chair not to put the bill before

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<sup>4</sup> The practice of introducing multiple identical “clone” bills is used on occasion, to allow multiple committee actions to occur simultaneously. At some late stop in the committee process, the bills are typically reconciled into one floor version.

<sup>5</sup> House Rules adopted in 2007 allow some referrals between finance committee divisions to be made through a memo issued by the finance committee chair.

the committee for a hearing and action. Or the committee itself may choose this course, by rejecting the bill after considering it in a hearing.

- **Combine the bill** with one or more other bills into a more comprehensive package. This is one source of the omnibus bills reported by committees—particularly the dozen or so omnibus bills that collectively express the state’s budget.
- **Report the bill individually**, returning it to the house with recommendations for action. The chair gives the bill a hearing, and the committee acts favorably on it by adopting a motion to return the bill to the house with the committee’s recommendations.

These options are described in more detail in a separate work in this series *Committee Proceedings*.

## **Committees commonly amend bills, often extensively**

One purpose of referring a bill to committee is to evaluate its substance—to listen to people with expertise or an interest in the effect of the bill and consider whether its language should be changed. Accordingly, committee proceedings on a bill usually are much occupied with various types of amendments to it, as described in a separate work in this series *Forms of Action*. The bill that emerges from a committee typically has been amended in large and small ways; often it is much different in content and effect than the bill that was referred to the committee.

Amendments adopted by a committee are not final actions; they are recommendations to the house. But both houses rely on the substantive work of their committees sufficiently that it may be said that much bill writing, and therefore much law writing, is done in committees rather than on the floor of either house.

## **A committee report on a bill contains recommendations to the house**

When a committee acts favorably on a bill that has been referred to it, the committee returns the bill to the house, accompanied by a committee report on the bill.

A committee report is not a report in the usual sense: it does not summarize and explain the bill, describe testimony or other evidence received by the committee, or convey facts, findings, or conclusions. A report contains information about the procedural status of the bill—the name of the reporting committee, the date that the committee acted on the bill, etc. The report also conveys the committee’s recommendations for subsequent action on the bill. Specifically, a committee report makes recommendations on three questions about a bill:

- Should the text of the bill be changed and, if so, precisely how?
- Should the bill pass? The House removed this aspect of committee reports in 2014, but the Senate retains it.

- Where should the bill go next in the legislative process? This may be either referral to another committee or to second reading and preparation for floor consideration.

Various committee actions and reports on bills are described in more detail in a separate work in this series *Committee Proceedings*.

## **Recommendations in a committee report take effect when it is adopted by the house**

Committees have no power to decide, only to recommend. Therefore, a committee report must be adopted by the house before it can take effect.

### **Procedures for adopting committee reports**

Both houses typically adopt committee reports *pro forma*, as a procedural action, with no floor discussion either of the bills or the reports. All reports for the day are adopted collectively, in a fashion similar to the first reading of bills. The business takes just seconds on the floor. Before the day's session begins, the chamber staff produces, on paper and on the Internet, a printed list of committee reports for the day, showing information about each bill: file number, title, authors, reporting committee, etc. When the House arrives at this order of business during the floor session, the speaker refers members to the list of committee reports and declares that, without objection, the reports will be adopted. Normally there is no objection, so all of the reports for the day are considered to be adopted by unanimous consent. In the Senate, the majority leader moves adoption of the list of committee reports printed in the agenda, and this motion quickly prevails by a *pro forma* voice vote.

There are exceptions to the routine adoption of committee reports in bulk. Sometimes a committee report arrives too late to be included in the prepared list of reports for the day but is adopted anyway, by separate oral reference on the floor. Occasionally, some members of the reporting committee submit a minority committee report on a bill, which must be dealt with first, before the report of the committee. Occasionally, a member objects to a committee report, which may cause its rejection by the house. (If a senator objects to the referral recommendation in a report, the report is directed to the Subcommittee on Bill Referral described in *The Committee System*.) Even if the objection to a report is not successful, it has the effect of distinguishing one bill from the bulk and drawing more than the usual attention to it.

Even though all reports for the day are adopted on the floor collectively, the journal records a separate action on each report, showing the recommendations of the committee, including the full text of any amendments to the bill that the committee recommended.

### **Effect of adopting a committee report**

By adopting a committee report, a house is accepting the recommendations of the committee. After a committee report is adopted, its recommendations are executed:

- **Amendments.** If the report recommended that the bill be amended, a new version of the bill is prepared, with the text changed to reflect the amendments. As explained in *Forms of Action*, the process of incorporating amendments into a bill is called engrossing the bill, and the resulting fresh version of the bill is known as an engrossment. The engrossment is the version of the bill that moves on to the next step in the process. When another committee or the house later takes up the bill, it works with the engrossment, not the original bill as introduced. A bill that travels through multiple committees may be engrossed multiple times by the house of origin; and if it passes to the second house, it may be unofficially engrossed there still more times. Each engrossment is conspicuously labeled and numbered in sequence.
- **Disposition.** Also, after the house adopts a committee report, the procedural disposition recommended in the report is carried out. If the report recommended referral to another committee, the bill is dispatched to the committee named in the report.

If the report did not recommend referral to another committee, the bill remains on the floor to receive its second reading and await floor consideration.

### Step 3: Second Reading

Second reading signals the end of the committee stage of the legislative process. A bill receives its second reading after the house adopts a committee report that does not recommend referral of the bill to another committee. Because the second reading of bills follows committee reports in the regular order of parliamentary business, a bill normally receives its second reading on the same day, shortly after the house adopts the committee report.

The second reading of house of origin bills and the second reading of bills of the other house are separate orders of business. But floor procedures are similar for both sets of bills. Before the daily session begins, the chamber staff produces a list of the bills being given their second reading that day. The list includes essential information about each bill (file number, authors, title, and procedural history and status). The House titles its list “Second Reading of House Bills [or Senate Bills].” The Senate prints its second reading list as part of one of its agendas. The information on these lists later is incorporated into the legislative journal for the day.

The House gives bills their second reading individually, rather than collectively as on first reading. The chief clerk announces each bill by saying “second reading” and reciting the file number of the bill; the speaker then intones “second reading” and bangs the gavel. In the Senate, second reading of bills is done collectively, in a fashion similar to first reading. The president of the Senate refers to the list of bills in the agenda for the day and says “second reading” and bangs the gavel. If a committee report arrives too late to be included in the list, the bill may be given its second reading individually by oral reference on the floor.

Ordinarily a bill receives only one second reading in each house, but occasionally a bill receives more. This occurs when a house decides to refer a bill to another committee after giving it a

second reading. The purpose may be to correct an error in the bill, to consider amendments better done in committee than on the floor, or to allow another committee to review the bill before it is taken up on the floor. The referral is accomplished by motion on the floor, generally offered either by the author of the bill or a concerned committee chair. If the motion to refer prevails, the bill is dispatched to the committee. If that committee subsequently reports the bill, the bill receives another second reading. Occasionally this happens more than once, resulting in a bill having several second readings.

## Step 4: Floor Consideration

Between its second and third reading, a bill is considered by the house on the floor, where all members are able to hear about the bill, discuss it, and propose and vote on amendments to it.

Procedures for floor consideration of bills are designed to accomplish several objectives:

- **Management**—to allow leaders to select, prioritize, and schedule the many bills that often await floor consideration
- **Notice**—to provide members and others with reasonable notice of the bills that are coming up for floor action, so as to allow time to prepare
- **Information**—to inform all the members about the content of the bill and its effect on law and government in the state
- **Debate**—to allow any member to discuss the bill and to question or take issue with the author or supporters of the bill
- **Revision**—to allow any member to propose changes in the content of the bill and to require the house to act on each amendment proposed
- **Decision**—to require every member to take a position, by casting a vote, on amendments proposed to the bill and, in the end, on the bill itself
- **Accountability**—to record the vote of every member in a format that allows public accountability for the decisions of elected members

Floor procedures on bills after second reading are described in more detail in a separate work in this series *The Bill on the Floor*.

### **After its second reading, a bill is prepared and placed on a list of bills awaiting floor action**

The chamber staff, assisted by the Revisor's Office, readies each bill for floor consideration. The bill is engrossed, if necessary, to reflect any changes in the text of the bill recommended by the last committee reporting it. The legislative history that appears on the front page of the bill is updated to reflect the new stage the bill has reached in the legislative process. And copies of the bill are made for members and the general public.

The bill also is placed on a list of bills awaiting consideration on the floor.

## **Floor consideration is not guaranteed for every waiting bill**

Floor action is not certain for every bill that emerges successfully from the committee process. Some bills are reported by one or more committees, receive a second reading, and then never come up for consideration on the floor. The chief author may decide not to press for floor action or may even withdraw the bill, asking that it be returned to the author. The house may decide to remove the bill from a floor list and return it to a committee, where it may remain forever. Or the bill may languish on a list of waiting bills, expiring there when the session ends.

## **Bills are taken up on the floor from lists of bills called calendars or orders**

There are two lists of bills awaiting floor consideration:

- a Consent Calendar for uncontroversial bills
- a list for all other bills, called the General Register in the House and General Orders in the Senate

The Consent Calendar is part of the regular, daily order of parliamentary business in the Senate. When the Senate arrives at this order of business during a floor session, it can consider and act on the bills listed on this calendar. The House abolished this calendar in 2015 and reinstated it in 2023.

Bills listed on General Orders in the Senate come up for floor consideration in one of two ways:

- Like the Consent Calendar, General Orders is a regular order of daily business on the Senate floor, so a bill may be taken up for consideration directly from this list by the Senate's Committee of the Whole.
- Alternatively, a bill on General Orders may be selected for placement on another list of bills scheduled for floor action on a particular day. This list is called Special Orders.

The House's General Register is not a part of the daily order of business on the House floor. Bills on this list are never acted on directly in the manner of Consent Calendar bills or General Orders bills in the Senate. In the House, all bills come up for floor consideration by being selected for placement on a list of bills scheduled for floor action on a particular day. The House has two such lists:

- Fiscal Calendar, for bills that have fiscal effects
- Calendar for the Day, for all other bills

These arrangements are described in detail in a separate work in this series *The Bill on the Floor*.

## **When a bill comes up, it is first presented and then discussed and perhaps amended**

When a bill is taken up on the floor, the general sequence of events is the same, no matter what list the bill is on. The chief author presents the bill, describes it, and advocates its passage. Other members may question the author or discuss or criticize the bill, leading to exchanges between the author and other members and general floor debate about the bill.

As described in *Forms of Action*, amendments of various types are often at the center of floor action on a bill. The author may offer amendments, either before or after presenting the bill. Each amendment is described by the author, discussed as the members see fit, and voted on. Some author's amendments may be accepted by the other members *pro forma*, to get the bill into the form that the author wishes, while others may be debated at length and perhaps rejected.

After the author's amendments are disposed of, other members may offer amendments to the bill. If other amendments are offered, each of these is presented, discussed as needed, and voted on in turn. In the House, a constitutional amendment may not be offered to a bill on the floor.

When all floor amendments have been dealt with, the bill is ready for its third reading.

## **Amendments must be pre-filed in the House of Representatives**

In 2013, the House adopted Rule 3.33, requiring pre-filing of floor amendments. Under this rule, when a House bill is placed on the Calendar for the Day, the Rules Committee may choose to trigger a requirement that all amendments be filed in advance and disclosed to the public.

This requirement is triggered if:

- there is sufficient time (two days) for a pre-filing period to operate; and
- the Rules Committee has designated a pre-filing order by noon the day before the deadline for filing amendments.

For example, if a bill was "calendared" by the Rules Committee before noon on a Monday for a Wednesday floor session, the pre-filing period would require that all amendments be filed with the chief clerk by noon on the next day, a Tuesday. By 6:00 p.m. on that Tuesday, all amendments to those amendments would need to be filed with the chief clerk. As a result, when the bill came up for consideration on the Wednesday floor session, only those pre-filed amendments and amendments to those amendments could be heard.

The reason for this pre-filing amendment was a belief that disclosing amendments in advance would add to public transparency, accompanied by a belief that amendments drafted in the middle of debate, on the fly, were exposed to little public process and could be problematic in how they were technically drafted. The rule was adopted under the Democratic majority of 2013, and maintained by subsequent Democratic and Republican majorities.

## Step 5: Third Reading

A bill receives its third and final reading after a house has finished disposing of any amendments to the text of the bill that are proposed during floor debate. Third reading of a bill signifies that the house is finished with the work of revising the text of the bill. After third reading, a bill may not be amended without unanimous consent (except for very technical corrections, like an amendment to the title).

Bills considered on one Senate list (General Orders) normally do not receive their third reading until the session day after they are presented, debated, and possibly amended on the floor. All other bills, in both houses, receive their third reading on the same day, immediately following floor consideration. These procedures are described in more detail in a separate work in this series *The Bill on the Floor*.

Third reading also signifies that the bill is ready for the sixth and final step—the vote on passage. Because this vote follows immediately after third reading, each bill is reported individually at this point, rather than collectively as in earlier reports. Third reading of a bill consists of a reference to the bill's number and in the Senate an oral recitation of the first part of the bill's title, which provides notice of the subject of the bill about to be voted upon.

## Step 6: Vote on Passage

After a bill receives its third reading, the presiding officer asks if there is any further discussion before the final vote. Often there is little or none, because members already have debated the issues posed by the bill and often various amendments to it. The author of the bill may make a final request for favorable action. A member may put additional questions to the author or make concluding points about the wisdom of the bill. Occasionally a contentious bill, or one on which the vote is expected to be close, may be debated at considerable length again, after third reading.

When all members wishing to speak about the bill have finished, the presiding officer calls for the vote on passage and instructs the chief staff officer (chief clerk of the House, secretary of the Senate) to take the vote.

Particular aspects of this final step in floor proceedings also are described in separate works in this series: *Bicameral Agreement*, *The Bill on the Floor*, and *Making the Budget*.



## The Majority Vote Requirement

### At least a majority of all the members elected to a house must vote in favor of passage

For a bill to pass a house, the constitution requires that at least “a majority of all the members elected” must vote in favor of passage. The constitutional language is clear: a majority of all the members of a house must vote for passage, not merely a majority of those present.

Accordingly:

- A minimum *number* of members must vote for passage: in the House, at least 68 of the 134 representatives; in the Senate, at least 34 of the 67 senators.
- Not voting has the same effect as voting in the negative, for purposes of attaining the number of votes required for passage.

### More than majority support is required to pass some bills

For the passage of some bills, the constitution requires support from more than a majority of all the members elected.<sup>6</sup>

#### Bonding bills require three-fifths

The constitution allows the state to borrow money to finance certain capital improvements to land and buildings owned by the state or by local government. A bonding bill authorizes the state to borrow money by issuing “general obligation” (G.O.) bonds, meaning that the state promises to pay off the bonds using its full statewide taxing powers, if necessary. (See *Forms of Action*.)

To pass a house, a bonding bill must have the support of at least three-fifths of all the members elected to the house: at least 81 of the 134 representatives, and at least 41 of the 67 senators. (See *Making the Budget*.)

#### Veto overrides require two-thirds

An extraordinary majority is required also for a veto override vote, when a house decides that it wishes legislation to become law despite the objections of the governor. To override a veto, a house must have the support of at least two-thirds of all the members elected to the house: at least 90 of the 134 representatives, at least 45 of the 67 senators. Veto override procedures are described in a separate work in this series *Review by the Governor*.

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<sup>6</sup> The constitution also requires a two-thirds vote to pass a “general banking law.” A general banking law is a law creating a state bank, a form of banking organization that is largely obsolete.

## **The vote on passage is a roll-call vote**

The constitution expressly requires a roll-call vote to override a veto but not to pass a bill. Both houses nonetheless always call the roll when voting on passage. A House rule requires it.

If the vote is favorable—which is the usual outcome at this point in the process—the presiding officer reports the tally, announces that “the bill is passed and its title agreed to,” and taps the gavel.

## **The vote is recorded in the journal**

On a veto override vote, the constitution expressly requires that the vote of each member be recorded in the journal. On a vote to pass a bill, the constitution requires only that “the vote” be recorded in the journal. The journal nonetheless always shows how each member voted on passage, because the constitution requires a journal record of the vote of each member whenever the roll is called, and both houses always call the roll on passage. A House rule requires it.

## **After a bill passes, it moves to the next step in the process**

After a bill passes a house, it is sent on its way (barring a motion from the floor to reconsider the vote). Depending on the stage of the legislative process, the bill may be transmitted to the other house, with a message indicating the action taken, or it may be turned over to the Revisor’s Office for enrollment, in preparation for presentation to the governor.

## **A bill may not be passed on the day prescribed for adjournment**

The constitution forbids the passage of bills on “the day prescribed for adjournment.” This prohibition has been construed to apply only to the passage of bills on certain days:

- on the 120th day of a regular session, a day when the constitution requires the legislature to adjourn *sine die*
- on the constitutional deadline for ending a regular session *sine die*, in May of the even-numbered year
- on a day that the legislature itself, both houses concurring, previously has resolved to adjourn *sine die*

## 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](#)
- Fundamentals: Passing Bills
- [Bicameral Agreement](#)
- [Review by the Governor](#)
- [The Committee System](#)
- [Committee Proceedings](#)
- [The Bill on the Floor](#)
- [Making the Budget](#)

### 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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