
Making Laws is a series of publications that explain the lawmaking process of the Minnesota Legislature. This work is the seventh in the series and discusses committee proceedings, including decision making and authority of committees. Please see the list at the end for other works in this series.

Executive Summary

The role of committees in the legislative process is to make recommendations about the content and disposition of bills. Although committees only have the authority to advise the body, not decide for the body, committee actions and recommendations on bills are influential, often determinative.

Each committee has its particular mores, which tend to persist over time from one legislature to the next. The working style of chairs past and present and the background of leading members are sources of variation. Other factors are the committee's substantive jurisdiction and position in the legislative process. One committee may attend mainly to dollars, another to policy; one may act on many bills in a session, another on just a few; one may deal primarily with state agencies, another with local governments, yet another with private interests; one may get few bills referred to it from other committees, another dozens. These substantive differences naturally engender variations in the way committees operate.

Overarching these procedural variations, however, are the uniform expectations laid on all committees by the House and Senate, expectations expressed in legislative rules, and in customary practices followed by all committees.

Decision Making by Committees. Committees act on bills referred to them in the parliamentary way—by assembling as a group and voting. To take action on a bill, at least a quorum of the committee must assemble and decide by majority vote.

Benefit of Committee Proceedings. Committee proceedings on bills improve the quality of the legislative process. They deepen the legislature's collective knowledge, provide due process, enhance the deliberative qualities of lawmaking, and enrich the public record. Group decisions gain validity and respect when they are seen to be well-informed and fairly and thoughtfully arrived at. Committees are one way that the legislature serves these values.

Authority of Committees. Besides contributing to the quality of the lawmaking process, committees have a large influence on the substance of laws—on the fate and content of bills. Although committees only have the authority to recommend action to their legislative body, and no authority to make final decisions, the content of legislation depends heavily on the work of committees.

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Decision Making by Committees

To take action on a bill, at least a quorum of the committee must assemble and decide by majority vote.

A meeting of a quorum is required

Members of a committee cannot act by separate consultation and consent, but only when properly assembled as a group. A committee is properly assembled when a quorum of the committee—a majority of its members—is present.¹

In floor sessions, every member is required to be present and to vote unless excused. Without a quorum, the body cannot conduct any legislative business. In committee, in contrast, members cannot be compelled to attend, and a quorum is required only for a decision: to call a meeting to order, to approve the minutes of a previous meeting, to adopt an amendment to a bill, to vote on a motion to report a bill, or to transact other official business.

A quorum is not necessary for committee activity not involving a decision. Committees can take testimony and discuss and debate with less than a quorum present. This is not uncommon, particularly late in a legislative session when deadlines approach and schedules begin to thicken and overlap. At these times, a legislator may be a member of two committees meeting simultaneously and the chief author of a bill being considered by a third. Even so, when it comes time for a committee decision, a quorum must be present, and committee staff are dispatched to round up scattered committee members. This is normally easily accomplished, for although members cannot be compelled to attend committee meetings, they generally are eager to do so and to participate in making decisions.

¹ If no member of a committee suggests the absence of a quorum, a chair often conducts business under a previously established quorum; this is a common but sometimes uncomfortable practice.

A vote is required

One purpose of the legislative process is to produce a group decision. The parliamentary way of making a group decision is to vote on a motion to do something. The usual motion pertaining to a bill in committee is either to adopt an amendment to the bill or to recommend the disposition of the bill itself.

Members vote in committee in three ways: by voice, by division, or by roll call. These are the same three methods used on the floor but voting procedures in committee differ in some particulars.

By voice

In a voice vote, the committee chair asks those in favor of a proposal to voice their support, followed by those opposed. The chair then judges which position has the greater number of voices in support and announces the result.

Only the committee's decision is recorded in the meeting minutes; there is no record of either the numbers or the names of the members supporting or opposing the proposal.

Voice votes are more common in committee than on the floor. With fewer voices, the prevailing side is easier to determine. Also, it is easier in committee to manage a division vote if needed.

By division

A division vote—a hand count of the number for and against—may be required to resolve uncertainty about which side prevailed in a voice vote. After the chair announces the result of a voice vote, another member of the committee who questions the judgment of the chair may request a division. Or the chair, in doubt about the result of a voice vote, may call for a division to settle the question.

Division voting is accomplished in committee by a show of hands. The chair first asks those in favor to raise their hands, then those opposed. The chair or a committee staff person counts the hands and tallies the number on each side; then the chair announces the result.

The meeting minutes record the number supporting, the number opposed, and the resulting decision. The vote of individual members is not recorded.

By a call of the roll

In committee, a single committee member may demand a roll-call vote on any question. In the Senate, the bill author may do so as well, even though the author is not a committee member.

A roll-call vote in committee is done orally. A committee staff person calls the name of each member, and marks the response, positive or negative, by the member's name on

a list of committee members. Then the yeas and nays on the question are tallied by hand, and the chair announces the result. A member may pass, and if so, the clerk calls their name again; a member may abstain, and if so, passes on voting.

A roll-call vote produces the fullest record in the meeting minutes,² showing not only the result and the number voting on each side but also how each member of the committee voted on the question. In addition, in the Senate, three or more committee members may require that the record of a roll-call vote appear not just in the minutes of the meeting but also accompany the committee report and be printed in the Senate journal.

A majority of a quorum decides

In floor sessions, actions may require a specific number of votes—a majority, or three-fifths, or two-thirds of all the members elected to the house. In committee, in contrast, a specific proportion of members of the committee is not required to take any action, even final action on a bill. To prevail in committee, a motion need only win the support of a majority of those present and voting on the question—if a quorum is present. A tie-vote defeats the motion or proposal.

Benefit of Committee Proceedings

Committee proceedings on bills can improve the quality of the legislative process. They should deepen the legislature’s collective knowledge, provide a fair process, enhance the deliberative qualities of lawmaking, and enrich the public record. Group decisions may gain validity and respect when they are seen to be well-informed, fair, and thoughtful. Committees are one way that the legislature serves these values.

Committees deepen the legislature’s knowledge by allowing legislators to specialize

The committee system delegates the labor of learning, which allows smaller groups of legislators to become experts, thereby enhancing the collective knowledge of the legislature. Legislators cannot all achieve a thorough understanding of the thousands of issues and bills they deal with each session. The committee system distributes legislators among many committees, assigning each member to serve on only a few. This permits and encourages members to devote the attention and time needed to develop great understanding of some subjects. The specialized expertise that legislators acquire during lengthy committee proceedings is applied throughout the lawmaking process. Legislators often rely on each other’s expertise, gained by the concentrated learning that comes from serving on committees.

² During the remote operation in the COVID-19 states of emergency, the House and Senate adopted separate but complementary strategies to enhance recorded votes, as a way of ensuring that remote meetings provided a solid provenance for correct passage of legislation.

The legislature gathers information from the outside mainly through committees

One of the principal functions of the legislative process is to investigate—to gather information from outside the legislature, to find the facts—and use the knowledge acquired to make better law. Of course, citizens influence lawmakers, and lawmakers learn from citizens, outside of the formal legislative process. But the legislature as an institution gathers outside information during the formal lawmaking process almost entirely by means of the public hearings and investigations conducted by legislative committees. Neither house conducts investigations or hearings on the floor, except in very unusual situations like impeachment proceedings. Outsiders are seldom allowed on the floor and are never allowed to participate in the discussion there. The committee hearing is the only place within the formal process where legislators must listen to—or hear—petitioners for legislative action, the only place where outside voices enter directly into the discussion.

Informational hearings

Committees devote many meetings just for gathering information. No bill is under consideration, nor is any decision or action contemplated. The hearing addresses a general topic of legislative interest or concern, and the proceedings are given over to receiving reports, listening to experts and the interested public, and asking questions.

Another type of informational hearing is devoted to learning about a complex or contentious bill. The bill is under consideration by the committee, but no action on it is scheduled. The meeting is devoted entirely to gathering information on the bill from citizens and experts with knowledge of the subject and an interest in the outcome.

Committees hold many of these informational hearings during the early weeks and months of the regular legislative session. Committee hearings held during the interim break, between the regular session in the first and second years of the legislative biennium, also usually are informational hearings. Committee action on a bill is possible during the interim, if the committee has possession of the bill, or in the House, if a committee creates what is known as a “committee bill.” But committees rarely act on bills during the interim, for the action cannot be completed until the session reconvenes and the committee can report the bill.

Hearings on bills

As a regular session moves along, more committee meetings are devoted to consideration of individual bills (although a committee may revert to informational hearings whenever it begins considering new or complex legislation).

Policy committees generally move into hearings on bills sooner than fiscal committees. Policy committees also generally take action on bills one by one, at the conclusion of the hearing on each bill, as described below. On a routine bill, a policy committee may be informed about the bill, discuss it, possibly amend it, and dispose of it at one hearing. Indeed, several bills may be dealt with in this way at a single hearing. For a complex or

contentious bill, on the other hand, the chair may divide the proceedings, devoting one or more meetings to gathering information, hearing about the bill, listening to testimony, followed by one or more meetings with no scheduled testimony where the committee discusses the bill, considers amendments to it, and takes final committee action on it.

In contrast, fiscal committees make informational hearings their normal mode of operation for much of the session. As described in a separate work in this series, *Making the Budget*, even when hearing individual bills or proposals, fiscal committees usually do not act at the close of the hearing but instead wait until near the committee deadline before deciding.

A Hearing on a Bill

Motion for action. The hearing begins with a motion for a committee decision, usually that the bill be recommended to pass, or in the House after 2015, recommended to be forwarded to its next stop. If the author is not a member of the committee, the committee chair or another member makes the motion.

Author's presentation and testimony. The author presents the bill, explaining it to the committee and advocating favorable action on it. The author may call on others (government officials, committee staff, outside experts) to testify, help explain the bill, or answer questions about it.

Author's amendments. The author may propose amendments to the bill. Whether to present the bill and then amend, or amend and then present, is the author's choice. It may depend on how substantially an amendment changes the bill or defuses issues the author expects to arise in the hearing. If the author is not a member of the committee, a member will move the amendment for the author. Committees often accept an author's amendments with little discussion, both as a courtesy ("to put the bill in the form the author wants it") and as a way to avoid wasting time debating provisions that the author has decided to change or remove. Deference to the author may decline in committees after the first committee stop, for later committees are dealing not just with the author's wishes but the position of another committee on the bill. Because the author goes first with amendments that are often routinely adopted by the committee, persons wanting the bill amended may approach the author first, recruiting another sponsor on the committee only if the author resists or refuses. For more information on amendments, see the separate work in this series *Forms of Action*.

Public testimony. After the author's business is finished, the committee listens to testimony from others. A House rule requires committees to take public testimony, for and against, on every measure; Senate committees do so as well. Usually those in favor testify first. The author may help proponents organize this testimony, but others also may come forward on their own. Then the committee hears from opponents. On important or controversial bills when many wish to testify, the chair may schedule proponents and opponents on different days or limit the time available to each side.

Committee member involvement. At first, committee members may just listen to the author and the testimony. As time passes, members begin questioning the author and testifiers, clarifying points, raising issues, voicing objection or support, suggesting changes. After testimony concludes, committee members may continue discussing the bill; the author, even if not a committee member, is included in these discussions. Committee members also may offer amendments at this time. These generally are considered in the order offered, although a chair may control this to some extent, especially in

committees where the chair requires amendments to be filed before the hearing (24 hours is typical). Absent a pre-filing requirement, a member may choose when to bring an amendment forward. Surprise may be a tactic for the author of a hostile amendment on a politically charged or contentious matter, or between members who are personal or political antagonists. Often, though, members with amendments forewarn the chair or the author of the bill, and behind-the-scenes negotiations may ensue on whether and in what order amendments will be offered.

Committee decision. After amendments are disposed of and debate completed, the initial motion that the bill be recommended to pass or forwarded to its next stop is renewed. (Other motions are possible but less common.) The motion now may be refined based on the committee's discussion or actions—for example, that the bill be recommended to pass as amended by the committee, or be referred to another committee, or be placed on the Consent Calendar. This final motion, if it prevails, is the essence of the committee report on the bill.

Committees provide notice and an opportunity to be heard

Fundamental to due process is notice and the opportunity to be heard. The legislative committee hearing provides this. In times past, legislative committees sometimes met in private without notice. Nowadays, committees meet, take public testimony, and make decisions in public, generally at scheduled times and with an announced agenda. A state law codifies these legislative open meeting standards and directs each house to establish rules and procedures to enforce them. Both houses have done so.

The open meeting requirement

The legislative open meeting law and legislative rules require that committee meetings be open to the public. The requirement applies only to meetings when:

- a quorum is present; and
- an action is taken regarding a matter within the jurisdiction of the committee.

Thus, a quorum of a committee could meet in private without violating the rules, as long as no action is taken. The open meeting requirement applies only to meetings of legislative committees. It does not apply to other meetings of legislators—for example, a meeting of less than a quorum of committee members, a meeting of legislators from one political party caucus, or a meeting of a legislative delegation (legislators representing a particular geographic area or local political subdivision).

Notice

The open meeting law and legislative rules require public notice of committee meetings. Both houses achieve this in part by establishing regularly scheduled meeting times for most committees. Committee chairs are expected to provide advance notice of meetings held outside the regularly scheduled time. A House rule requires one-day advance notice of time changes.

The rules of both houses also require notice of meeting agendas—the topics and bills to be considered—to the extent practical. Agendas normally are posted around legislative offices and on the Internet three days in advance. The wording of the requirement (to the extent practical) allows some flexibility in scheduling. As deadlines approach for committee action on hundreds of bills in several dozen Senate and House committees, it is difficult for committee schedules to anticipate every need for action three days in advance. Experienced participants in the legislative process double-check committee agendas with bill authors, committee chairs, or committee staff.

In addition to committee meeting notices, both houses also maintain reporting and public information capabilities that focus in considerable part on committee activity. The House and Senate televise many committee meetings, making the signal available within the legislative offices and outside through media outlets and the Internet.

Restrictions on late-night meetings

All legislatures meet at least occasionally at night, either in committee hearings or on the floor. To improve public access to the legislative process, both houses have adopted rules restricting the lateness of such meetings. The Senate requires a committee to adjourn by 10:00 p.m., unless two-thirds of the members present vote to suspend the requirement. The House forbids committee meetings between 12:00 midnight and 7:00 a.m. Both houses have at times tried to reduce the need for night committee meetings by limiting lengthy floor sessions during periods of intense committee activity.

Public testimony

Before reporting a bill, a committee must provide the proponents, opponents, and the general public an opportunity to be heard. House rules require this; the practice in the Senate is the same. Also, some committee meetings now are occasionally conducted using interactive video telecast, which allows citizens located around the state not only to observe but to participate in the hearing.

The use of remote hearings during the COVID-19 states of emergency was somewhat more open, partially because people from around the state could participate and testify through online video access. However, the logistics of making oneself available for testimony were arguably off-putting, and spontaneous testimony was rare.

Committees enhance the deliberative quality of the legislative process

Group decisions gain validity and respect if they are thoughtfully arrived at, after full discussion and exchange of views. Committees enhance these deliberative qualities in the legislative process. The legislature serves as a legitimating institution by these means, providing a pathway for difficult debates to gain at least a sense of fairness. If the legislative process is unfair, the public may react against an adopted policy because of a bad process.

Substantive focus

The committee system enhances deliberation simply by dividing legislative jurisdiction, forcing each committee to deal with a limited subject. The narrower scope of each committee's legislative authority permits lengthier discussion and more concentrated attention to detail than would be possible if all issues and bills were dealt with only by all members on the floor.

Small membership

Committees enhance deliberation also simply by being small. With fewer members wishing to be heard, the exchange of views can be freer and more extended than is possible on the floor with many more voices participating. Longer, deeper debate among a smaller number in committee enhances the chance that legislative action follows careful consideration.

Informality

Many parliamentary meeting practices apply in committee meetings just as they do on the floor. Proposals for action must be offered by motion and disposed of by voting. The chair is the presiding officer—deciding when to begin and end the meeting, controlling the order of business, recognizing those wishing to speak, ruling on points of order, and taking votes. Participants are expected to ask to be recognized, by hand signal or oral request. When recognized, participants are expected to speak through the chair, by addressing the chair as well as the committee or another person (“Madam Chair and Rep. Smith, ...”). Parliamentary formalities like these maintain awareness of the group, prevent multiple simultaneous conversations between individuals, and identify speakers for the record.

Despite the formalities, both houses deliberately unburden committees of many parliamentary formalities that must be observed in floor proceedings.

- On the floor, both houses have rules to restrict speaking times and limit debate (though they normally are not strictly enforced or even invoked). The debate in a committee is not limited by rule. The amount and number of times a member may speak on a question is limited only by the courtesy of the speaker and the patience of others.
- On the floor, the presiding officer never makes motions and rarely participates in debate (and must leave the chair to do so). In committee, the chair performs the usual functions of a presiding officer but also participates directly in the debate and discussion. In the House, committee chairs also make motions.
- Debates about the germaneness of amendments, endemic on the floor, rarely arise in committee. Legislative rules requiring that amendments be germane to a bill either do not apply in committee or are substantially relaxed.
- Several members are required to bring about a roll-call vote on the floor of the House and in floor sessions of the Senate's Committee of the Whole. In a committee

a single member, and in the Senate the bill author as well, may demand a roll-call vote.

- On the floor, a decision may be reconsidered only if the member requesting reconsideration voted with the prevailing side and follows certain procedures. A committee may reconsider and reverse an action or decision more easily. If the matter is still in the possession of the committee, a single committee member may request reconsideration of an action, and the requester need not have voted on the prevailing side or even been present for the vote.

The absence of formalities like these contributes to the freer, less inhibited, less structured quality of committee deliberations.

Committees enrich the public record

A committee report on a bill is the formal record of the committee's decision, but it is not the only record of its activities. Committees keep meeting minutes and an organized record of legislative documents considered by the committee. In addition, committee meetings are recorded—the sound at least and sometimes the sight. This documentation of a committee's work is held for a time by the committee or house and then for several years by the Legislative Reference Library (a joint legislative agency) and finally deposited with the Minnesota Historical Society. The rules of both houses specify that these records are not intended to be admissible in court or other proceedings on an issue of legislative intent, but they are nonetheless a rich source of information about legislation.

Minutes

Meeting minutes are required by legislative rules. Minutes indicate which bills were considered and acted on at each meeting, who testified, which members made motions pertaining to the bill, and what votes were taken on amendments to the bill and the bill itself. Minutes are a record of actions but a poor source of information on the substance of the debate in committee.

The minutes are available to the public after they are approved. In the House, minutes are available in the chief clerk's office, on the Internet, and in the Legislative Reference Library (LRL). Senate rules require the secretary of the Senate to deliver approved minutes to the LRL.

Committee books

After a session ends, the minutes and other legislative documents considered by committees are collected in bound committee books. The books for each committee are organized chronologically by meeting date. They contain copies of minutes; bills, amendments, and other documents considered by the committee; reports of subcommittees and divisions; and documentation of other official actions.

The committee books are retained by the LRL for eight years after the end of the legislative biennium in which they were created and then transferred to the Minnesota Historical Society.

Recordings

Committees also make audio recordings of their meetings. The recordings are a better source of information than the minutes about who said what.

The Senate delivers the recordings to the LRL for public use within a week after the meeting. The House makes the recordings available to the public shortly after the meeting and delivers them to the LRL after the end of each legislative biennium. Committees have begun to make committee audio available on the legislature's website.

The LRL archives recordings and retains them on-line.

Each house televises some committee meetings, preserving yet another type of record of some committee activity. These recordings are available through legislative offices in each house and sometimes also on the legislature's website.

Authority of Committees

Besides contributing to the quality of the lawmaking process, committees have a large influence on the substance of laws, and on the fate and content of bills. Although committees have only the authority to recommend house-wide action on a bill and no power to make final decisions, the content of legislation and of law depends heavily on the work of legislative committees.

Committees do not have the authority to make decisions for a house

The constitution gives all legislative authority to the Senate and the House of Representatives. It does not mention legislative committees. Neither house may delegate authority granted to it by the constitution, not even to a group of its members sitting as a committee. This relegates legislative committees to an advisory role: committees recommend decisions to the house that creates them but have no power to make final legislative decisions.

Committee actions and recommendations are influential, sometimes determinative

Although confined to an advisory function, committees still have great influence on the content and fate of bills. Most of the fact-finding, the debating, and the law writing is done in committees, not on the floor of either house. One reason for this is that committees get first crack at nearly every bill, by virtue of the legislative rule requiring that all bills be referred to committee when they are introduced. Another is that both houses give committees much

autonomy and latitude in dealing with referred bills and pay heed to the recommendations of committees.

A committee has three broad options for dealing with a bill in its possession: retain it, never returning it to the house; combine it with other bills into a comprehensive bill; or report it individually, returning it to the house with recommendations for action. These three options are explained further in the following sections.

Committees screen bills by not returning them to the house

The legislative process is, in part, a complex filtering mechanism. Many introduced bills are not actively considered; others are considered and rejected. Committees kill legislation by action or inaction, and this is a form of decision making.

A committee is not required to consider, still less to report, every bill referred to it. Many bills proceed no further than introduction and referral to a committee; they are never heard of again. Others emerge from one committee only to founder in another.

No hearing

A committee hearing on a referred bill is not automatic. The author must ask for one. Some bills do not get a hearing because the author decides not to request one or push strongly for one.

An author is not entitled to a hearing on request. The committee chair decides and may refuse. Some chairs find this easier than others, but almost every chair, however amiable, denies some bills a hearing. A chair may refuse for simple lack of time; the limited session period does not permit a hearing on every introduced bill, and a chair may consider one bill more important than another. A chair may decide that a bill is not ripe for legislative decision for some reason—a pending federal action, a court case, a forthcoming government report on the subject. A chair simply may oppose a bill on its merits or conclude that a majority of the members of the committee are opposed, making a hearing pointless.

Hearing and rejection

Committee chairs usually do not waste precious committee time on bills certain to be defeated, and committee members are not eager to publicly reject bills of their colleagues. But getting a hearing does not guarantee favorable committee action. Committees do sometimes reject a bill after hearing about it, “voting it down” by defeating a motion to report the bill with a recommendation that it pass.

Instead of rejecting a bill outright, the committee may postpone action on it by “laying it over for further study.” Or a bill may die in committee after a hearing, because the bill’s author, perhaps sensing that the bill does not have support and wishing to avoid outright defeat, withdraws it before the committee votes.

In some legislatures, committees report bills with a negative recommendation—that a bill “not pass” or “be indefinitely postponed.” In Minnesota, committees simply do not report bills that are not heard or that are heard and rejected.

Inaction or rejection by a committee usually seals the fate of a bill. It remains in the possession of the committee and expires there when the legislative session ends. The effect, for good or ill, may be to delay or prevent action on an issue or keep consideration of it within the control of a particular committee membership instead of the general membership.

It is possible for a house, at the instigation of a bill author, to recall a bill from a committee over the objections of the chair or the committee. But, as explained in a separate work in this series *The Committee System*, this is almost never done. A determined author of a bill trapped in committee is more likely to organize outside groups or other members to press the committee chair for a hearing, or a rehearing if the bill was voted down. If that fails, the author may attempt to revive the measure elsewhere in the legislative process, by introducing a similar bill aiming for referral to a friendlier committee, by getting favorable action on the companion bill in the other house, or by recasting the bill as an amendment to another bill on a related subject in some other committee or on the floor.

Committees organize legislation, combining several bills into one comprehensive bill

Committees organize bills as well as screen them. A committee may give a bill a hearing, perhaps revise it, decide to act favorably on it, but rather than reporting it individually, put the content of the bill into another bill and report that bill. Many bills may be referred to a committee, but only one emerges with others included as parts of the whole.

This amalgamation of bills can be accomplished, procedurally, in one of two ways:

- A committee may combine several referred bills into a new bill, which the chair introduces on behalf of the committee as a committee bill.
- Alternatively, the committee may attach several bills to a referred bill, which is then said to be the “vehicle” bill for the others.

The choice between introducing a committee bill and reporting a vehicle bill may have important strategic and procedural implications. But the effect on the bills left behind in committee is the same: all except the new committee bill or vehicle bill appear to die there in the committee, even though their substance lives on, moving forward as part of another bill.

Such aggregations and combinations of bills are common in the legislative process, and most of it takes place in committees. This is the main way that the legislature creates omnibus budget bills, the dozen or so bills that together form the state budget. Omnibus policy bills are also common. Rather than acting individually on a dozen separate bills on criminal justice, or telecommunications, or insurance, a committee may instead combine them into a single policy bill. By combining separate bills on a subject into more comprehensive packages, the legislature

recognizes that time is limited, and avoids the necessity of managing and acting consistently on separate bills on the subject.

The practice of turning many bills into one is restrained by the single-subject provision of the constitution: “No law shall embrace more than one subject, which shall be expressed in its title.” This constitutional restriction is intended to inhibit any inclination of legislators to secure the passage of ill-favored proposals by slipping them into a bill on another subject with happier prospects. The courts give the legislature much leeway in applying the constitutional restriction, but they have been known to invalidate laws found to violate it.

The single-subject mandate in the constitution is supported by legislative rules on the germaneness of amendments to bills. Germaneness rules apply lightly or not at all in committee proceedings, but deference to the principle of germaneness discourages the construction of bills in committee that combine subjects completely foreign to one another. Other House rules serve a similar end, forbidding a committee to adopt amendments on subjects not within its jurisdiction or to report a bill on a different subject than the subject of the bill referred to the committee.

Another restraint on unbridled amalgamations is the practice of securing bicameral agreement on the organization of some omnibus bills. As described in *The Committee System*, at the beginning of each regular session, the leaders of the two houses try to agree on how to allocate budget subjects among the various fiscal committees in each house. These agreements shape and limit the scope of each of the dozen or so omnibus budget bills produced during the session. Bills in special sessions often are guided similarly, by bicameral agreement on the scope of the various bills to be considered in the session.

Committees report bills, recommending action on them to the house

The third option for committee action on a referred bill is to act favorably on it and return it individually to the house with a report conveying the committee’s recommendations for action.

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 express facts, findings, or conclusions. To the extent that this type of information is preserved, it is done by means of other committee records.

A committee report is limited to information about the procedural status of the bill (name of the reporting committee, date that the committee acted on the bill, and the like) and the committee’s recommendations for action on the bill. Specifically, a committee report on a bill makes recommendations on three questions:

First, should the text of the bill be changed and, if so, precisely how?

In the course of committee deliberation on a bill, a committee may adopt amendments to the text of the bill. This is one of the purposes of referring a bill to committee: to

evaluate the bill and, if need be, change or improve its content. A committee report conveys these changes as recommendations from the committee to the house.

Second, should the bill pass?

A committee report conveys the committee's conclusions also on the merits of the bill—whether the bill should pass. The usual recommendation is that the bill pass or pass as amended.

In 2015, the House changed its procedures related to committee reports. In the House, these reports no longer recommend a bill “pass,” instead merely stating the next procedural step where the bill would be sent. This is a neutral or procedural recommendation.

As mentioned earlier, committees do not report negatively on bills: bills rejected in committee simply are retained by the committee, not reported. Occasionally, a committee reports a bill “without recommendation” (except, perhaps, that the bill be amended or referred to another committee). In issuing such a report, the committee is returning the bill to the house for disposition without going on record in support of the bill. A no-recommendation report is difficult to interpret and may have different meanings to different members of the committee. Some members, though opposed to the bill, may be willing to vote for a no-recommendation report because they do not think that the committee should kill the bill outright. Others who favor the bill may join in a no-recommendation vote, because they do not believe that the committee will recommend passage, and a no-recommendation report seems a better outcome than outright defeat in the committee. Other members may support a no-recommendation report, because they believe that another committee has primary jurisdiction of the bill and should be responsible for suppressing or recommending action on it.

Third, where should the bill go next in the legislative process?

Finally, a committee report recommends a procedural disposition for the bill. A committee has two choices:

- It may recommend that the bill be referred to another committee, named in the report
- Or it may—by not recommending referral to another committee—indicate that the bill should remain on the floor for consideration by the house

This element of the committee report performs a routing function, having the effects outlined below. When the house adopts the report on the floor, the procedural recommendations are executed: the bill is dispatched either to the other committee named in the report or kept on the floor for its second reading.

Routing Effect of Common Committee Recommendations	
Recommendation	Effect
Senate	
That the bill pass (or pass as amended, if the committee amended the bill)	Second reading, followed by placement on a list of bills awaiting floor action (General Register in the House, General Orders in the Senate)
That the bill pass (or pass as amended) and be placed on the Consent Calendar	Second reading, followed by placement on another list of bills awaiting floor action, the Consent Calendar, which is for bills that are not controversial
That the bill pass (or pass as amended) and be referred to another, named committee that also has jurisdiction of the bill	Referral to the named committee
House	
That the bill be amended, and then referred to a subsequent procedural step, either another committee stop, or the General Register	Simply progresses the bill to its next stop

A committee report takes effect when it is adopted by the house

A committee report must be signed by the committee chair and then submitted to the secretary of the Senate or the chief clerk of the House. A House rule requires that reports be delivered to the chief clerk at least four hours before the convening of the daily session in which the report is to be presented (except during the last seven legislative days of a session, when committees normally are not reporting bills anyway).

Because committees have no power to decide, only to recommend, a committee report must be adopted by the house before it can take effect. Despite their status as recommendations, committee reports carry considerable weight on the floor, as described in a separate work in this series *Passing Bills*. Both houses routinely adopt the recommendations of their committees *pro forma*, without any debate or discussion.³ As a result, when discussion begins on a bill in the next committee or on the floor, the content of the bill is always what the last committee report recommended it should be.

During consideration of a bill on the floor, many members are inclined, absent other considerations, to side with the position of the reporting committee. Some contentious bills are

³ In 2014, the minority party in the House requested roll call votes on contentious bills, when committee reports on those bills were before the body. This transformed what had been a procedural motion into a policy debate and vote. A lawsuit over political descriptions of these votes eventually led to an agreement to remove of committee report recommendations that bills “do pass” in the House.

substantially altered on the floor, of course; but on most legislation, both houses usually rely heavily on the recommendations of their committees. Finally, legal challenges alleging a flawed committee process are usually not considered by the courts, and it has been said that acceptance of a committee report by the body washes the bill clean of prior procedural errors.

About This Series

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

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

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



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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