

Regular Sessions of the Minnesota Legislature

The legislature is required to meet regularly

The Minnesota Constitution requires the legislature to meet each biennium, during the two-year term of office of members of the House of Representatives. The constitution leaves the timing of these “regular” legislative sessions to be prescribed by law. The law says that regular sessions are to begin just after newly elected legislators commence their term of office on the first Monday in January of the odd-numbered year.

Each regular session is conducted by a distinct legislature

The convening of each new regular session marks the end of one legislature and the beginning of another, because all representatives, and sometimes all senators, are starting a new term of office. Sessions, and legislatures, are numbered in sequence. The first regular session and the first state legislature convened in December 1857. The regular session beginning in January 2009 is the 86th regular session, and the legislature that meets then is the 86th Legislature.

The constitution allows only one regular session in a biennium

Once convened in regular session, the houses of the legislature continue the session simply by adjourning from one day to another. The regular session ends when the houses adjourn *sine die* (without setting a date for reconvening). After a legislature adjourns *sine die*, it may not meet again in regular session that biennium. The legislature continues to exist and may be called into a “special session” by the governor, but the regular session for that biennium is finished.

The constitution regulates the length of the regular session

Three provisions of the constitution regulate the length of the regular session.

The session is limited to 120 legislative days, as that term is defined by law. The law defines a legislative day as a day on which either house is called to order—that is, meets in a “floor session” in its chamber in the Capitol. Legislative committees may meet without consuming a legislative day, as long as neither house meets on the floor that day.

The legislature normally must use at least two legislative days each week. The constitution does not allow either house to adjourn for more than three calendar days (excepting Sunday) without the consent of the other house. Although the two houses could agree to frequent long adjournments, in practice they do not. Both routinely comply with the constitutional requirement by scheduling a minimum of two floor sessions each week, even when there is little floor business to conduct.

The legislature may not meet in regular session after a specified day in May. The constitution forbids the legislature to meet in regular session after the first Monday following the third Saturday in May in any year. This provision confines regular sessions to the first five months of any year.

Apart from these requirements, each legislature may schedule its regular session as it pleases

These constitutional and statutory regulations establish what is called a “flexible biennial session.” The session is flexible because each legislature may schedule its regular session meetings as it pleases, as long as it does not exceed 120 legislative days or meet outside of the January-to-May period. The session is biennial because each legislature is allowed, though not required, to meet in both years of the biennium: when it closes the regular session in the first year, the legislature can choose to adjourn either *sine die* or to a date it specifies in the following year.

Every legislature since 1973, when these regulations took effect, has chosen to spread its regular session over both years. The result is this typical configuration:

- *First year:* The session begins on the prescribed day, early in January of the odd-numbered year. The session continues for nearly five months, until the constitutional deadline in May, when both houses adjourn until a date they specify in the following (even-numbered) year.
- *Second year:* On the specified date in the following year usually sometime in January or February, the two houses reconvene to continue the regular session. The session in the second year typically lasts three or four months when both houses bring the regular session to an end by adjourning *sine die*.

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

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

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

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

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The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.