

Legislative Toolbox



Legislature 101

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An important part of being effective at the capitol is knowing how your state legislature works and how it is organized. First of all, state government is one of the three levels of government in our democracy which also includes federal and local government. Within the state government, there are three separate branches: executive, legislative, and judicial. The executive branch enforces and executes the laws passed by the state legislature. The judicial branch ensures the laws are interpreted in agreement with the state constitution. The legislative branch—our main focus—is where all the laws are created.

What is the Structure of the State Legislature?

The State Legislature is bicameral, consisting of two separate bodies: the Senate and the House of Representatives. House and Senate districts are created by the Legislature itself and are redrawn every ten years after the US Census. Although both the Senate and the House work together in the role of creating laws, there are many differences between the two bodies. The Senate is the smaller of the two, consisting of 67 members each representing a legislative district with about 70,000 constituents. Each senate district is divided into two separate house districts. The House has 134 members who each represent about 35,000 constituents. State Representatives are elected for two-year terms, while Senators' terms are four years

long. Legislators from both bodies receive an annual salary of \$31,140 and can also collect living and travel expenses, and per diem during the legislative session.

How Does a Bill Become a Law?

In order to enact a change at the state level, it is important to know the process of how a bill becomes a law. A bill is a proposal for a new law, a change in an existing law, or a constitutional amendment. This long and complicated process makes it difficult for bills to get passed. In fact, only about 15 percent of the bills introduced in the state legislature are actually signed into law.

Bill Introduction

Anyone can draft a bill, but a legislator is needed to introduce the bill in the House or Senate. The person who introduces the bill is called the chief author. Although there can only be one chief author per bill, a limited number of legislators can also co-author the bill. Once a bill is authored in one of the legislative bodies, someone from the other body introduces it in the other house. This second bill is called the companion bill.

Committee Passage

Once a bill is introduced, it must go through the committee process. Bills are referred to one or more standing committees, depending on the content of the bill. Once a bill passes through the relevant committee

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or committees, it must be scheduled for a floor vote. Some bills pass through committee but never receive a floor vote.

Floor Vote

If the bill is scheduled for a floor vote, the entire House or Senate votes on its passage. If a bill passes on the floor of one body, it must then go through the process again in the other body. Companion bills can move through the committee and floor processes simultaneously and differences are then reconciled in conference committee.

Governor's Role

Once the bill is passed identically by both the House and the Senate, it goes to the Governor. He can sign or veto it. If the bill is signed, it becomes law. If it is vetoed, it can still become law but only if a two-thirds house and senate majority vote to override the Governor's veto.

Roadblocks and Difficulties

There are many reasons why legislation can be stopped before it becomes law. These obstacles can make the passage of a seemingly simple bill a very long and arduous process. First of all, if the Chair of the committee does not like the bill, it may not be scheduled for a hearing. If legislators within a committee do not agree with a bill, they may not allow it to go to the floor. Some committees have deadlines for acting favorably and if they have not acted by that date, the bill is most likely dead until next session.

Another difficulty in passing a bill arises from the legislature's bicameral structure. If a bill has passed each body but there are differences between the House and Senate versions, then the two bodies must form a conference committee to reconcile their differences. The Speaker of the House and the Sen-

ate Majority Leader each appoint an equal number of members who come together to work out the differences and create a single bill. This bill then goes back to both floors, where it can either pass or be sent back to the conference committee. Neither body can amend the bill after it has been through conference committee.

The final roadblock to a bill is the veto. The governor has a few options when presented with a bill. A veto is the constitutional power to reject a bill, which can only be overridden by a two-thirds majority of the legislature. If the veto happens after the legislature has adjourned at the end of the biennial session, it is called a pocket veto and cannot be overridden. In appropriations bills, the governor also has the ability to perform a line-item veto and reject individual items while still signing the rest of the bill.

There is Still Hope

While this complex system provides many possibilities for defeating legislation, it also provides potential for its resurrection. Although legislation may die in committee or be voted down on the floor, it can always be brought back as an amendment to a completely different piece of legislation. A bill may be brought to multiple floor votes as long as one of the members who voted against it makes a motion to reconsider. The only time that a bill is truly dead is if the session has adjourned, and even then it can always be reintroduced the following session.