

## Understanding the Legislative Process: *The Basics*

There are four basic types of legislation: bills, joint resolutions, concurrent resolutions, and simple resolutions. The official legislative process begins when a bill or resolution is numbered, referred to a committee, and printed by the Government Printing Office.

- ➤ **Step 1.** Referral to committee: With few exceptions, bills are referred to standing committees in the assembly or senate according to carefully delineated rules of procedure.
- ➤ **Step 2.** Committee Action: When a bill reaches a committee it is placed on the committee's calendar. A bill can be referred to a subcommittee or considered by the committee as a whole. At this point the bill is analyzed carefully, and its chances for passage are determined. If the committee does not act on a bill, it is the same as killing it.
- ➤ **Step 3.** Subcommittee Review: Bills are often sent to subcommittee for study and hearings. Hearings provide the opportunity to put on the record the views of the executive branch, experts, other public officials, and supporters and opponents of the legislation. Testimony can be given in person or submitted as a written statement.
- ➤ **Step 4:** Mark Up: When the hearings are completed, the subcommittee may meet to 'mark up' the bill, that is, make changes and amendments prior to recommending the bill to the full committee. If a subcommittee votes not to report legislation to the full committee, the bill dies.
- ➤ **Step 5.** Committee Action to Report a Bill: After receiving the subcommittee's report on a bill, the full committee can conduct further study and hearings, or it can vote on the subcommittee's recommendations and any

- proposed amendments. The full committee then votes on its recommendation to the Assembly or the Senate. This procedure is called “ordering a bill reported”.
- ➤ **Step 6. Publication of a Written Report:** After a committee votes to have a bill reported, the committee chairman instructs staff to prepare a written report on the bill. The report describes the intent and scope of the legislation, its impact on existing laws and programs, the position of the executive branch, and the views of dissenting members of the committee.
  - ➤ **Step 7. Scheduling Floor Action:** After a bill is reported back to the chamber where it originated, it is placed in chronological order on the calendar. In the Assembly there are several different legislative calendars, and the Speaker and majority leaders largely determine if, and when, and in what order bills will be considered. In the Senate there is only one legislative calendar.
  - ➤ **Step 8. Debate:** When a bill reaches the floor of the Assembly or Senate, there are rules or procedures governing the debate on legislation. These rules determine the conditions and amount of time allocated for general debate.
  - ➤ **Step 9. Voting:** After the debate and the approval of any amendments, the full chamber votes on the bill and it is passed or defeated by a majority votes
  - ➤ **Step 10. Referral to other Chamber:** When a bill is passed by the Assembly or Senate, it is referred to the other chamber where it usually follows a similar route through committee and floor action. This chamber may approve the bill as received, reject it, ignore it, or change it.
  - ➤ **Step 11. Conference Committee Action:** If only minor changes are made to a bill by the other chamber, it is common for the legislation to go back to the first

chamber for concurrence – a vote to approve the bill as revised by the other chamber. However, when the actions of the other chamber significantly alter a bill, a conference committee is formed to reconcile the differences between the Assembly and the Senate versions. If the conferees are unable to reach agreement, the legislation dies. If agreement is reached, a conference report is prepared describing the committee member's recommendations for changes. Both the Assembly and the Senate must approve the conference report.

- ➤ **Step 12. Final Actions:** After a bill has been approved by both the Assembly and the Senate in identical form, it is sent to the Governor. Within 12 days after receiving a bill, the Governor may sign it into law, allow it to become law without his signature, or veto it. The bill is then sent to the Secretary of State and given a chapter number. A vetoed bill returns to the house of origin for a possible vote on overriding the veto. It requires a two-thirds majority of both houses to override. Urgency measures may become effective immediately after signing. Others usually take effect the following January 1<sup>st</sup>.