

Factsheet

Overview of the Legislative Process

■ What's Going On in Those Big Buildings?

State legislatures are made up of two houses: a senate and an assembly. The numbers of senators and assembly members vary from state to state. The legislature maintains a calendar governing the introduction and progress of legislative measures during each two-year regular session.

■ How Is Legislation Born?

Each new state law begins as an idea presented by someone. The legislative process begins when a state senator or an assembly member decides to author a bill based on that idea. The legislator sends the idea for the new bill to the legislative counsel, who drafts it into bill form. The draft of the bill is given back to the legislator for introduction into the senate if the author is a senator or into the assembly if the author is an assembly member.

■ The Next Step: Introduction

A bill is “read” for the first time, or introduced, when the bill number, the name of the author, and the descriptive title of the bill are read on the floor of the house. The bill is then sent to the state publishing office. No bill except the budget bill may be acted upon until 30 days have passed since the date of its introduction.

■ It's off to Committee

The bill is then assigned, on the basis of its subject matter, to the appropriate policy committee for its first hearing. For example, a senate bill dealing with health care facilities would first be assigned to the senate health and human services committee. Bills that require an expenditure of funds must also be heard by the fiscal committees—senate appropriations and assembly appropriations.

■ Time to Speak Up!

The committee then votes on whether to pass the bill, allowing it to move “out of committee” and into the

next phase of the process, or the bill may be amended and then voted on. Bills may, in fact, be amended several times. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee or to the floor. If the bill is never brought up for discussion and voted on before the legislative session ends, the process ends and the bill is said to have “died in committee.”

Each house maintains a schedule of legislative committee hearings. Before a bill is heard, a bill analysis is prepared that explains the intended effect of the bill on current law and provides background information. Typically, the analysis also lists organizations that support or oppose the bill.

■ Second and Third Readings

Bills passed by committees are read a second time on the floor in the house of origin and then assigned a third reading. Bill analyses are also prepared prior to third reading. When a bill is read the third time, it is explained by the author and discussed by the members; then a roll-call vote is conducted. Bills that require an appropriation or are required to take effect immediately ordinarily require a certain number of votes in the senate and in the assembly in order to be passed. If a bill is defeated, the sponsoring member may seek reconsideration and another vote.

■ Off We Go to the Other House

Once the bill has been approved by the house of origin, it goes to the other house, where the whole procedure is repeated.

■ Resolution of Differences

If a bill is amended in the second house, it must go back to the house of origin for concurrence, meaning agreement on those amendments. If the house of origin does not concur on those amendments, the bill is referred to a two-house conference committee to resolve

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the differences. Three members of this committee are from the senate, and three are from the assembly. If a compromise is reached, the bill is returned to both houses for a vote.

■ **Governor, Get out Your Pen**

If both houses approve a bill, it goes to the governor. The governor has three choices: Sign the bill into law, allow it to become law without his or her signature, or veto it. A governor's veto can be overridden by a two-thirds vote in both houses. Most enacted bills go into effect on January 1 of the following year. "Urgency" bills and certain other measures take effect immediately after they are enacted into law.

■ **State Law**

Each bill that is passed by the legislature and approved by the governor is assigned a chapter number by the secretary of state. These chaptered bills are statutes and ordinarily become part of the state code. A state's code is a comprehensive collection of laws grouped by subject matter.

State constitutions set forth the fundamental laws by which the state is governed. All amendments to the state constitution must be approved by the voters at a statewide election.