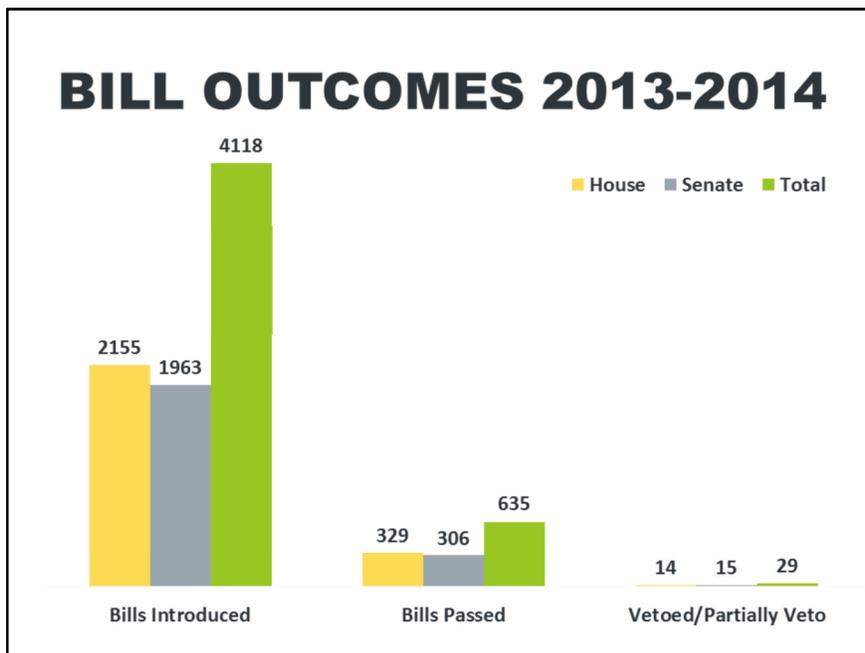


washington state legislature

HOW BILLS BECOME LAW

AND MANY WAYS THEY DON'T

civic education programs

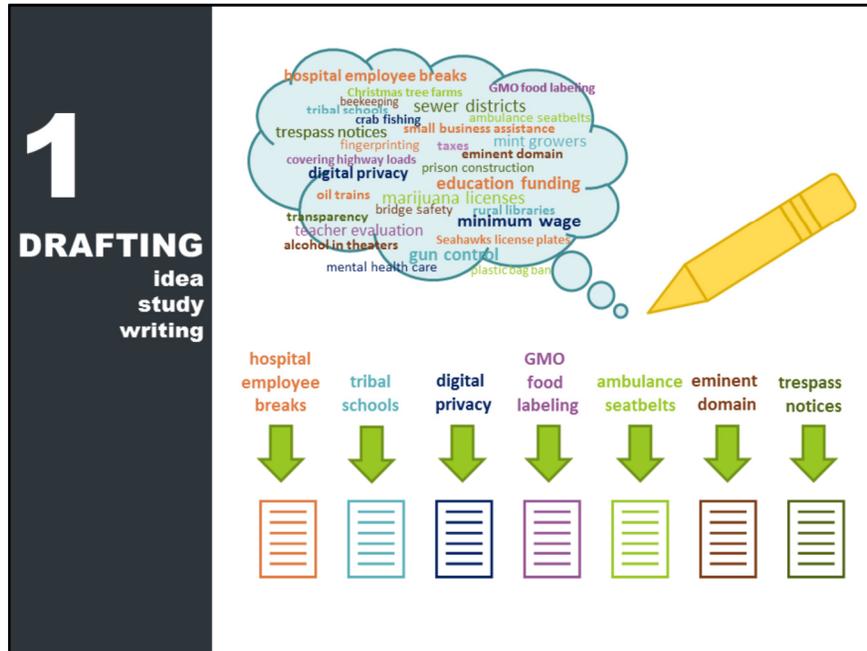




- Conclusion: the system is designed to make it fairly difficult to pass new laws.
 - Founders were suspicious of governments that could impose laws too easily
- There are ways for bills to “die” at almost every step of the process.
 - This means they don’t advance to the next step towards becoming a law.
 - But there are many ways that they may be brought back.
 - Sometimes it takes years for an idea to make it all the way through the process – but the same bill can be introduced in later sessions to try again.



This is an outline of the process: there are many twists, turns, and exceptions that take place in real life. That's democracy!



Step 1: The bill is drafted.

How it works:

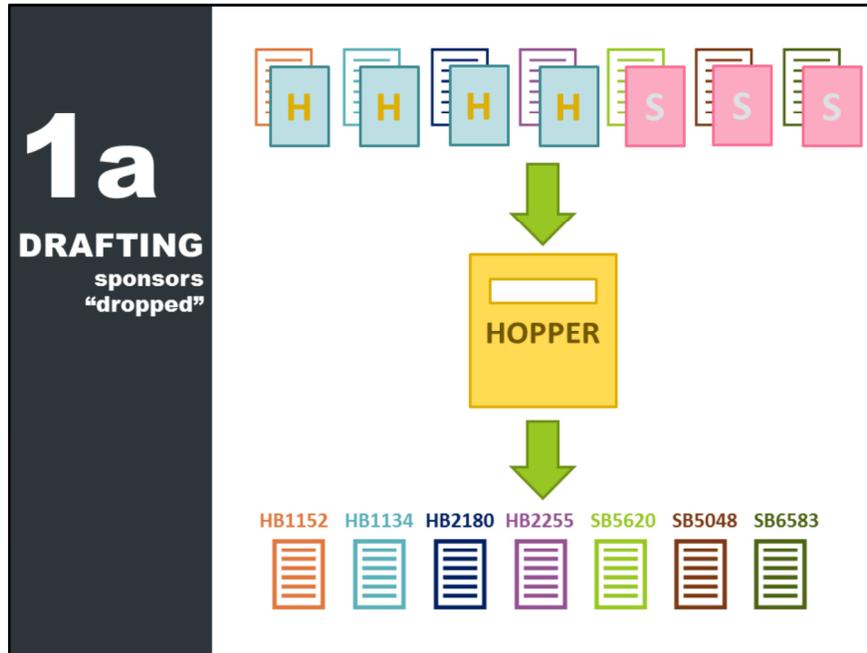
- Stakeholders (public, agency, Governor, legislators) identify a problem they want solved through legislation.
- A legislator agrees to be the prime sponsor.
- Legislative staff work with the stakeholders to draft the bill.
- The Code Reviser’s Office puts the bill into final legal language.
- The prime sponsor asks other legislators in their chamber to sign on as co-sponsors using a blue (House) or pink (Senate) sheet.
- The bill with the signature sheet is dropped in the Hopper at the Code Reviser’s Office, where it’s given a number (1000-3999 for House, 5000-7999 for Senate).

Key Players:

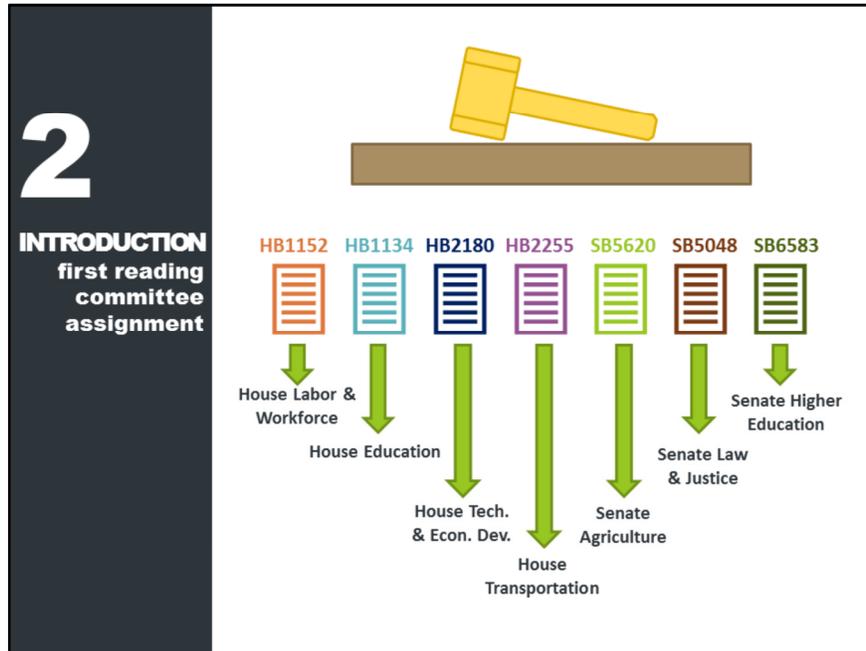
1. Stakeholders (affected individuals, state agencies, the Governor, businesses, interest groups, tribes, federal government, local government, unions, etc.)
2. Legislative staff (Senate Committee Services or House Office of Program Research, party caucus staff, and others, who work with legislators and agencies to research and draft bills addressing problems)
3. Code Reviser’s Office (puts the bill into technical legislative language and assigns a number)
4. Prime sponsor (the legislator who first signs on to the bill)
5. Co-sponsors (other legislators who sign on to the bill; indicates they support it)

Ways to “die”:

Until it’s “dropped in the Hopper” at the Code Reviser’s Office, the proposal is not yet a bill and can be halted for further revision.



Draft bills , which are confidential and not public, are passed around by their prime sponsors, who ask other legislators to become co-sponsors by signing the cover sheet (pink in the Senate, blue in the House). Once co-sponsors have signed, the draft and its cover sheet are dropped in the “Hopper,” a wooden box in the Code Reviser’s Office. The Code Reviser’s Office assigns the bill its number, and it is now officially a bill. Once it has “dropped,” the bill can only be changed through official amendment later in the process.



Step 2: Introduced in the Senate or House – First Reading.

How it works:

- Once the bill is assigned a number, it is “read” on the floor of whichever chamber the prime sponsor belongs to.
- The “reading” doesn’t actually mean the whole bill is read aloud – usually just the first and last line.
- The bill is referred to a committee based on its subject matter (committee referrals are decided by the House Majority Leader or Senate Floor Leader).

Key Players:

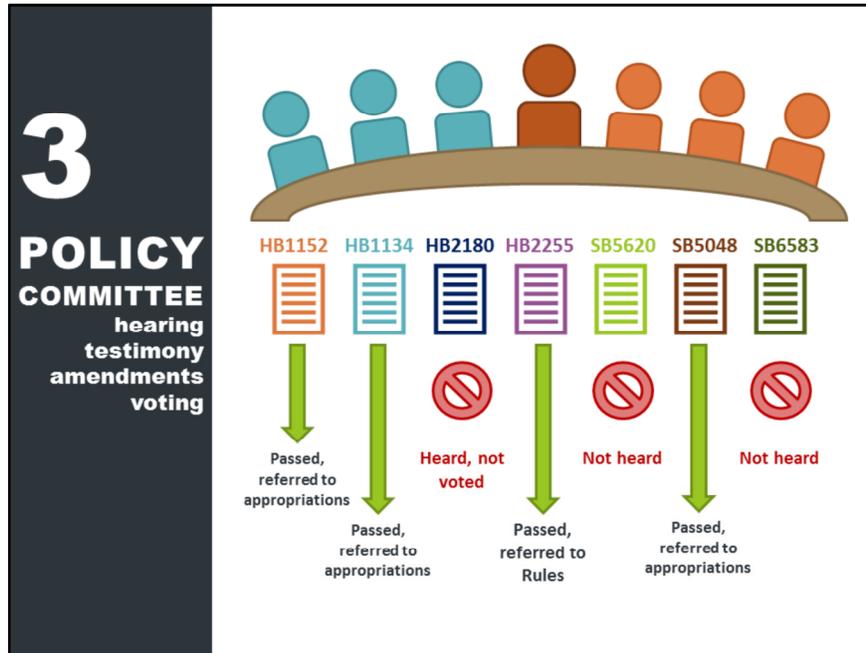
1. Leadership (elected by each party in each chamber; the majority leadership has the most control)
 - House: Speaker of the House (Majority); Minority Leader
 - Senate: Majority Leader; opposite party Leader

Can it be amended? No.

Ways to “die”: None this time!

Why is it called “First Reading?”

According to Washington’s legislative procedure, all passed bills must be read three times in both the House and the Senate. Since that would take a long time, these “readings” are usually abbreviated and pro forma.



Step 3: Committee.

How it works:

- Committee staff (nonpartisan legislative staff) research the bill and prepare a bill report, in addition to working with the Committee chair to prepare the agenda for hearings.
- The Committee chair, in consultation with the Vice Chair and sometimes the Ranking Member, decides whether to give the bill a public hearing. Leadership can also influence what bills get heard. A public hearing is REQUIRED for the bill to advance.
- At the hearing, the prime sponsor, stakeholders, and members of the public can testify about their opinions on the bill. Anybody can sign up to testify.
- After the hearing, the Committee Chair decides whether to move the bill into Executive session.
 - In executive session, the bill can be amended (committee members put forward amendments, and the committee votes on them)
 - Once amendments have been voted on, the committee votes on the entire bill, as amended.
 - NOTE: Amendments are changes to the language of the bill itself (not like the Bill of Rights, an enumerated list at the end)
- If it's passed out of committee, the bill can be referred to another committee for a second hearing or referred to the rules committee.

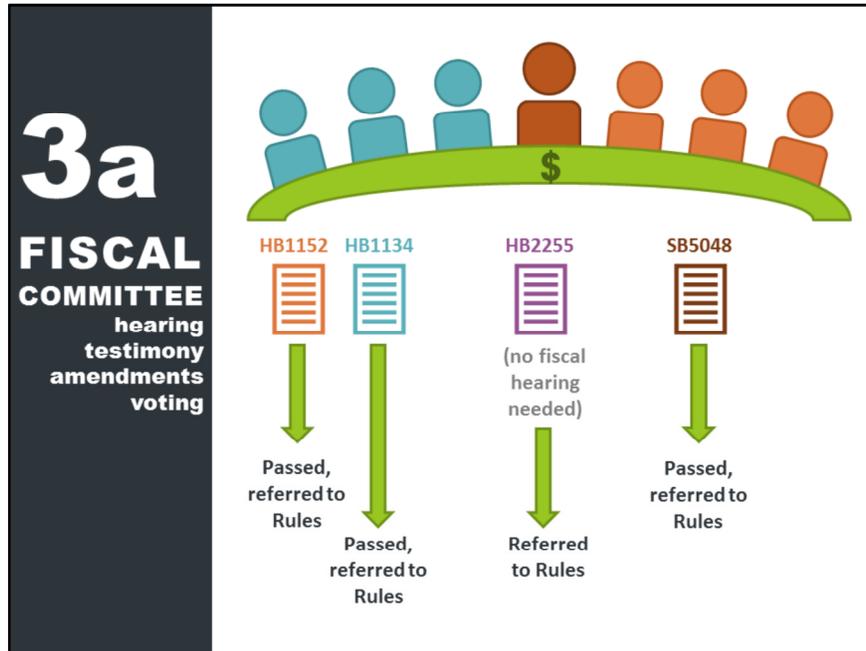
Key Players:

1. Committee chair (determines whether to hear and take executive action on the bill)
2. Committee members (ask questions during hearing, propose amendments, vote)
3. Public, stakeholders, lobbyists (testify in the public hearing)

Can it be amended? Yes.

Ways to "die":

- Chair decides not to give it a hearing
- Chair decides not to bring it to executive session
- Fails to win a majority vote of committee members in executive session (can happen as a result of amendments)



Fiscal Committee.

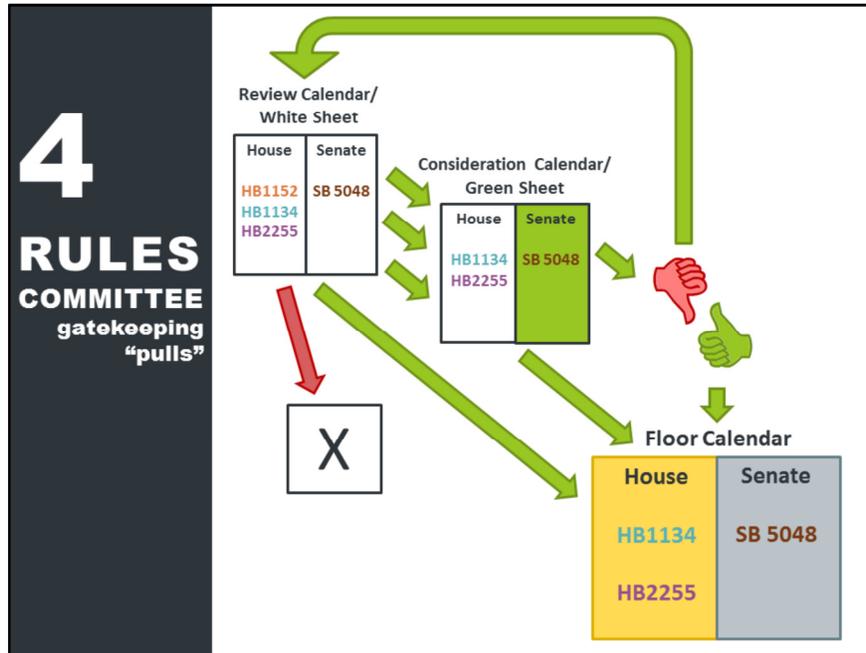
- Any bill that would have a fiscal impact on either state or local government (requires new spending, changes how money is spent, changes the tax code) must have a hearing by a fiscal committee.
- Some bills (like the budget) are referred to fiscal committee first, while others have a hearing in a policy committee and then are referred to a fiscal committee.
- The committee process works exactly the same, and the bill can die in any of the same ways.
- Fiscal committees include:
 - Senate: Ways and Means, Transportation
 - House: Ways and Means, Appropriations (with subcommittees), Capital Budget, Finance, Transportation

Committee facts:

- Committees are set by the House and Senate leadership (the majority party) at the beginning of each session, so they change from time to time. Committee chairs and committee members are assigned by leadership as well.
- Most legislators sit on 2-4 committees.

Why have committees?

So many bills get introduced that no legislator could thoroughly study them all. Committees allow legislators to focus on a particular issue area in depth, and determine which bills should advance in that area. Committees are the main way of eliminating bills from the process: most bills that die, die in committee.



Step 4: Rules Committee.

How it works:

- Rules is the powerful “gatekeeper” committee that controls which bills that pass committee will advance to be considered by the entire House or Senate.
- The process looks confusing because there are many ways to get through this step.
- The Rules Committee determines which bills will be put on a “floor calendar” for consideration by the body.
 - Noncontroversial bills can go to the Suspension Calendar in the House or the Consent Calendar in the Senate (normal floor rules suspended, no debate)
 - Regular Floor Calendar is for bills that will require some debate
- Bills that have been passed out of policy committees are put on the “Rules Review” sheet in the House or the “White Sheet” in the Senate. They can stay here for a long time, get sent back here, etc. – it’s a holding space.
- Each time Rules meets, each committee member can “pull” a certain number of bills from the Review/White Sheet to the Rules Consideration/Green Sheet, and from the Consideration/Green Sheet to the Floor Calendar.
- Once a bill is on the Floor Calendar, it can be brought up for debate, amendment, and voting by the entire body – but this doesn’t guarantee that it will.

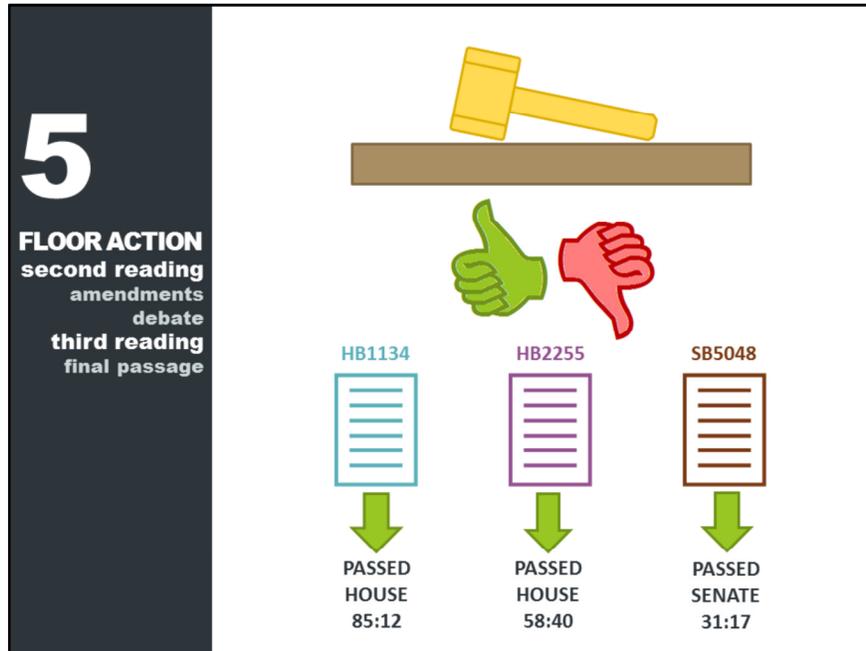
Key Players:

1. Speaker of the House/Lieutenant Governor (presides)
2. Rules committee members (select bills to pull, vote on pulls in Senate)

Can it be amended? No.

Ways to “die”:

- Doesn’t get pulled to the Consideration list/Green Sheet
- Doesn’t get pulled to the Floor Calendar (although leadership can sometimes bypass Rules to put a bill on the Floor Calendar)
- X-filed (Senate) - Rules committee agrees it will not be sent to the floor (can come back from the X-files, though)



Step 5: Floor Action – Second and Third Reading and Final Passage

How it works:

- The first step on the floor calendar is Second Reading (this is where bills are normally placed after Rules).
 - Ordered “engrossed”, if it was amended in committee in the house of origin (all the amendments are incorporated into the body of the bill)
 - Bill is debated with speeches from members, and can be amended on the floor.
- On Third Reading, the bill is voted on for final passage. According to the rules, there should be one day between 2nd and 3rd Reading, but this is commonly suspended to go directly to 3rd Reading (bypassing a second stop in the Rules committee).
- Not all bills on the Floor Calendar actually get a Second or Third Reading. Party leadership controls what happens on the floor, and will rarely bring a bill up that does not have enough votes to pass.

Key Players:

1. Majority party leadership (decides which bills to bring up for consideration)
2. Body members (speak on bills and amendments, offer amendments, vote)

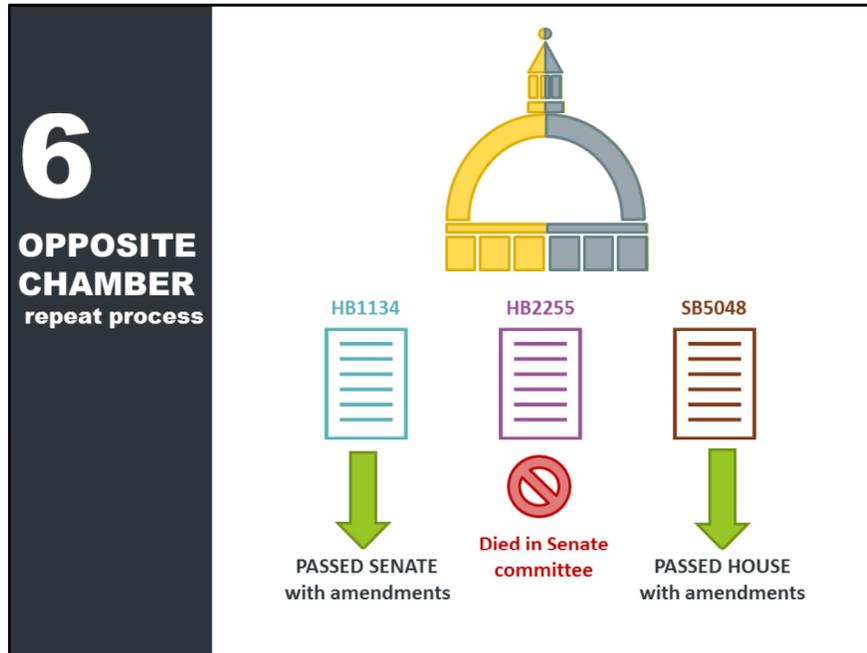
Can it be amended? Yes, on Second Reading.

Ways to “die”:

- Doesn’t get a second or third reading
- Doesn’t come up for a vote
- Fails to win a majority of votes for final passage

There are rarely surprises on the floor.

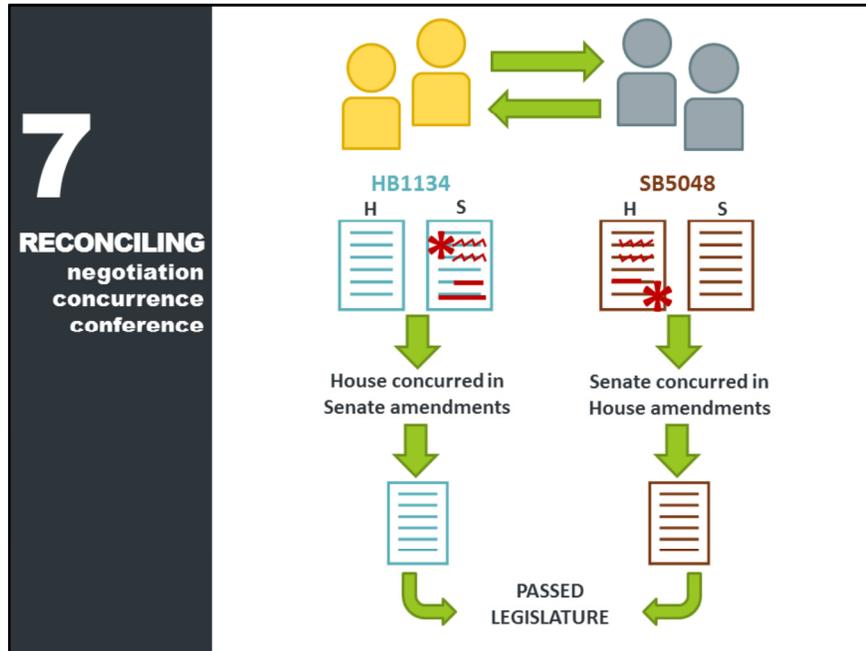
The majority leadership keeps a close count of who supports a bill, and does not bring up legislation that they aren’t sure has the votes to pass (it’s rare for a bill to die by failing a floor vote). Legislators are more likely to be persuaded to vote for or against a bill by a behind-the-scenes personal conversation than by a floor speech.



Step 6: Opposite chamber.

How it works:

- Steps 2-5 are repeated in the second house, following the very same process.
- Bills can die or be amended by the second chamber in the same ways as they did in the chamber of origin.
- If a bill passes the second chamber but was amended from the bill that passed the chamber of origin, we have a problem: the very same language must be voted on by BOTH House and Senate before the bill can become law.



Step 7: Negotiate, Concur, and Conference between the chambers

How it works:

- If a bill is amended at any point on its way through the second chamber, it must be returned to the first house for a vote because both houses must agree and vote for the exact same language. Leadership decides which bills returned from the second house will be placed on the concurrence calendar for discussion.
- The house of origin votes to concur or not concur with the second chamber’s amendments. If they concur, the bill has passed the legislature.
- If they do not concur, the first house can ask the second house to recede. If the second house recedes from their amendments, the bill has passed the legislature.
- If the houses cannot agree, either may request a conference committee. Leadership appoints members from both houses to negotiate mutually acceptable language. If conference committee agrees on changes, they issue them in a “conference report.”
- Both houses must vote to adopt the conference report. If they do, the bill has passed the legislature. If it does not pass either or both houses (by vote or inaction), the bill has not passed.

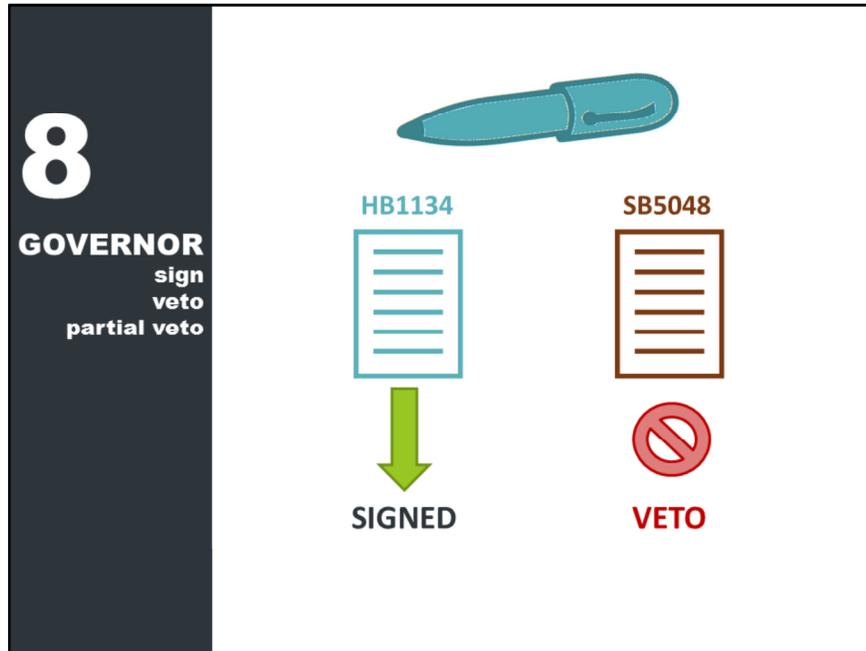
Key players:

1. Party leadership (both houses)
2. Conference committee members, if appointed

Can it be amended? One or both versions may be amended to ensure that both houses pass the same bill.

Ways to “die”:

- First chamber doesn’t concur and no further action is taken
- Second chamber doesn’t recede when asked and no further action is taken
- Conference committee doesn’t come to an agreement
- Either chamber doesn’t act to adopt the conference report
- Either chamber votes down the conference report



Step 8: Governor action on the passed legislation

How it works:

- Once a bill has passed both houses, it goes to the Governor for signature.
- The Governor has 5 days (excluding Sundays) to sign, veto, or partially veto a bill (he must veto an entire section, not just one word or line) passed during session, and 20 days (excluding Sundays) for bills passed in the last five days of session.
- The Legislature may override a veto or partial veto by a 2/3 majority vote in both houses.
- If the governor does not take action, it becomes law as though it had been signed.
- The bill goes to the Secretary of State, where it is assigned a session law chapter number.

Key players:

1. Governor

Can it be amended? No, but the Governor may change it by a partial veto.

Ways to die:

- Vetoed (if not overridden)



Bills that make it all the way through this process are sent to the Secretary of State's Office, where they are assigned a session law chapter number. It becomes law part of the Revised Code of Washington.

These are real bills.

The bill numbers used in this outline are real bills that were introduced during the 2013-2014 biennium. Look them up on the Legislature's website at <http://apps.leg.wa.gov/billinfo/> to read the bill text, bill reports and testimony summaries, and see how far they made it through the process.

www.leg.wa.gov/civiced