

From Idea
To Bill
To Law

The Legislative Process
in
Arizona

by
State Senator Randall Gnant

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Phoenix, Arizona

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Acknowledgments

The first edition of this booklet was published in December of 1995 and was quickly "sold out"(if you can use that expression for a free booklet). Legislators, staff members, lobbyists, business and industry people and members of the general public all seemed eager to learn more about the process by which we make laws.

As the supply of the first edition rapidly dwindled, offers came in to fund a second, third and now a fourth, edition. Those groups you see featured on the back cover made generous contributions to this fourth edition. Absolutely no government money has been used. My goal has always been to be able to put this booklet into the hands of any Arizona citizen who wanted it. We are now at over 15,000 copies and counting.

Special thanks for support during this project must go to Shirley Wheaton, former Secretary of the Senate. Shirley was the Secretary of the Senate from 1979 to 1998 and was around in other capacities before then. From beginning to end she was always available to answer questions and often provided unique insights into why things are done the way they are done. Shirley willingly put up with my inquiries as to "which rule covers this or that" and her encouragement kept me going more than once when I was thinking of "hanging it up."

A number of Senators and Senate staff members were kind enough to read various drafts as the project developed. Some read very

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early drafts; some lent their assistance as the booklet neared completion; after the first edition some made suggestions for this edition. Even so, some of the most subtle parliamentary moves and political maneuvers have been left out. I am grateful to each of the many who took the time to lend a hand.

Early in the project I spent some time with the staff of the Arizona *Capitol Times*. The Creighton family has been covering the capitol since territorial days and Ned and Diana Creighton, along with their excellent staff, were ready, willing and able to fire up their computer or check through back issues for historical data.

During the 1999 session, freshman Representative Jeff Hatch-Miller made numerous editing comments. This work is better for his efforts. Previous versions have dealt only with practices in the Senate; Mr. Hatch-Miller convinced me to make the book applicable to both houses of the Legislature.

I have every confidence that what follows is an accurate portrayal of the Senate's role in how an idea moves through the legislative process to perhaps become a law in Arizona. Any errors, however, continue to be mine alone.

State Senator
Randall Gnant
Phoenix, Arizona
February, 2000

Introduction

By the end of my first session as a member of the Arizona Senate, (the Spring of 1995) I felt that I had a pretty good handle on how things were done. After all, on-the-job training under pressure is still a great teacher. But there were still areas in which I was not comfortable -- questions on some of the subtle nuances, and questions on why some things were done the way they were done.

I felt that if I could write about the process in such a way that someone outside the process could understand it, I would, by necessity, have a pretty complete understanding myself. Hence the following pages.

Anyone reading this booklet should understand that, with the exception of a few guidelines set forth in the Arizona Constitution, the entire legislative process is governed by Senate and House of Representative Rules which are adopted by a majority of the currently sitting Senate and House members. The process today is not the same as it has been in the past; the process may change in the future. For example, it was not always the case that bills had to have a public hearing before they could be passed; it is the current class of legislators who believe that it is in the public interest to have this requirement. Even the harshest critics of the legislative process will admit that the process has never been more open to public scrutiny than it is today.

I have learned one significant lesson from my research into how an idea becomes a bill and perhaps a law. While there are rules

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and a certain order to the legislative process, there are also numerous methods and opportunities to avoid the rules and disrupt the order of things. It seems, at times, that there is at least one exception for every rule.

Yet, throughout it all, there is a certain equanimity on the part of the legislators, the staff, the lobbyists, the press and the general public. As part of an American legislative system that is now well into its third century, the process, however complicated, cumbersome, and convoluted, nevertheless seems to work. That it does work, is what counts in the end.

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It Starts With the Constitution...

The American form of government, begun over two centuries ago, was certainly a new and bold experiment. At the core of this new philosophy of government was the concept that the government could do certain things and could not do other things. Our federal constitution begins with the words, "We the People..."

As our country grew and territories prepared to come into the Union as states, delegates from each territory would meet to design their state constitution. Following the federal tradition, state governments were designed to have only those rights granted to it by the people of the soon-to-be state.

As the number of states grew, the delegates of succeeding territorial conventions had more and more examples of state constitutions from which to choose. In addition, the delegates, often for political reasons, had to be in tune with the sentiments and attitudes then in vogue with the territorial voters. The voters, after all, would have to approve the proposed new constitution.

The Arizona constitutional convention took place in Phoenix over sixty-one days in the fall of 1910. There were already 46 states and Arizona and New Mexico were identified as states 47 and 48.

During the convention, the delegates borrowed heavily from the constitution of the state of Washington which had come into the Union just a short time earlier. They also added provisions for such things as the initiative and the referendum and for the recall of elected officials.

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At the time, some thought these procedures to be harmful to the delicately balanced system which had worked for well over a century. One of these people was President William Howard Taft, who vetoed the Congressional resolution approving the new Arizona constitution because it contained a provision for the recall of judges. Congress and the President approved a second resolution which said that Arizona could only become a state if they adopted an amendment removing judicial officers from the provision of the recall.

This the voters of Arizona did. On February 14, 1912 Arizona became the 48th State in the Union. But there was a limit on the rights that our early citizens would yield to the state government. They wanted the ability to recall judges if they saw fit to do so. As soon as we became a state, recall of judges was added back to the Constitution.

The Constitution of the State of Arizona is the first place to look as we begin our look at the legislative process.

The Constitution and the Legislature

Limited Powers

Article IV of the Arizona Constitution deals with the legislative department of government.

Lest there be any doubt at all about who is ultimately in charge of Arizona, Article IV, Part 1, Section 1 makes it perfectly clear:

"The legislative authority of the state shall be vested in a legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the

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constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature."

That's about as clear as you can get. While we elect a legislature and while we expect them to ably represent us, Arizonans still have the ultimate authority to initiate legislative action if they so choose and they also retain the authority to reject legislative action of which they disapprove.

Rules and Procedures

From time to time we read in the newspapers, or hear on the radio, about policies and procedures and practices in the Arizona legislature. Most often that which we read or hear is critical of how the legislature goes about its business. Words such as "fair" and "open" and "level playing field" are used, as if to imply that the legislature should operate in a significantly different manner than it does.

Everyone is welcome to criticize, of course, and both newcomers and longtime veterans of the political scene will admit that there are always ways to improve the legislative process. But the operation of the legislature, both the House and the Senate, is dictated by the Arizona Constitution, by laws passed since Statehood, by custom and by tradition.

For example, Article IV, Part 2, Section 8 of our state constitution says, "Each house, when assembled, shall choose its own officers... and determine its own rules of procedure." The Constitution goes on to make some specific requirements, such as

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keeping a journal or prescribing a method for expelling members or providing privilege from arrest during session, but for the most part, the authors of the Constitution, and the public since then, have determined that each branch of the legislature should adopt its own rules and procedures for conducting its business.

In the Senate, each legislative term begins by temporarily adopting the rules of the previous term. Changes to the rules can be proposed by any member of the Senate. Rules can be added, amended, or adopted at any time. Because Senators make their own rules, they can suspend them if they choose to do so.

During the early days of each term the minority and majority caucuses will discuss proposed rule changes. Then the full Senate will adopt a set of rules for the rest of the term. These rules are published in booklet form and are available to the general public. Any subsequent changes are also published.

More about the rules of the Senate later on.

Arizona and "The Citizen Legislature"

Interestingly enough, the constitution of the State of Arizona is quiet on the question of how long, or how hard, the members of the legislature should work.

The concept of the "citizen legislature" goes back to Colonial times and is based on the precept that if lawmakers have to go home and work under the laws they created, they will be more careful about passing laws.

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Then, too, there wasn't all that much for legislatures to do two hundred years ago. The legislature could meet in January when the ground was too frozen to put in crops, could debate and socialize and pass what few laws needed passing -- and they could still be home in plenty of time for the spring plowing.

Modern state government is considerably more complicated than state government of two hundred years ago. In fact, it is more complicated than even the federal government was just one hundred years ago.

The Arizona legislature appropriated nearly 12 billion dollars for fiscal years 2000 and 2001. But, the legislature also dealt with another \$10 billion in unappropriated monies. Over 1000 bills were filed in the last session -- many of them unnecessary perhaps -- but the unnecessary bills were quickly disposed of without wasting much time or effort. Over 300 bills made it all the way through the legislative process.

Consider also, that lobbyists work twelve months of the year. The various state agency heads work twelve months of the year. The staff members of the House and Senate work year around.

Hardly anyone wants the Arizona legislature to go the way of the California legislature -- high salaries, large staffs, extensive perks and privileges, and year round legislative sessions. However, as Arizona continues to grow the nature of government will become increasingly more complex.

And it will become harder and harder for part time legislators to keep up with what is going on.

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As we will see beginning in the next chapter, Arizona depends on having legislators who devote far more than just "part time" to their legislative jobs. Indeed, the ability of the full legislature to function at all is due in large respect to those men and women who work so hard during the so called "interim period."

Let's Start at the End....

Any discussion of the legislative process must start somewhere.

It would seem logical to start with the beginning of the legislative session. Sessions start in January, public interest is highest when the legislature is in session, and most of the drama and excitement of the legislative process takes place when the legislature is in session.

But, just as the Super Bowl half-time show, with its lights, pyrotechnics and mechanical wonders takes months to plan and execute -- so too does a legislative session have its roots months and months before each second Monday in January.

In fact, the best place to begin is at the end of a legislative session....

Dawn breaks slowly over the first day in months that the legislature is not in session. It's quiet at the Capitol. Wandering through the Senate building is like prowling the streets of a city in one of those black and white 1950's movies where the earth has been invaded from outer space and mass evacuation has taken place. The floor of the Senate is littered with celebratory confetti; the desks are still covered with last minute agendas and with compromise amendments to final pieces of legislation. Throughout the building wastebaskets are filled to overflowing with soft drink cans, styrofoam coffee cups and bags and wrappers from local fast food restaurants. Here and there office lights are still on -- their occupants too interested in leaving to take time to turn them off.

The legislators have gone home.

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Only staff members, hard core members of the press corps, and the pigeons remain.



The author makes no connection between these three groups. The reader is free to.

It's the morning after *sine die**

* See Glossary for several definitions of this Latin phrase.

The period from roughly May to January, when the legislature is not in session, is known as "the interim period".

With the adjournment of a legislative session, virtually everyone takes a couple of weeks off to rest and reflect on the accomplishments and failures of the session just completed. Some legislators will take even more time off -- they will be heard from only sparingly, if at all, until the beginning of the next session.



No value judgment is implied here. Our legislature is, after all, supposed to be "part time", and some Senate and House members do need to earn a living. Some rural legislators live so far from the Capitol that any sort of regular attendance would be expensive as well as inconvenient. And not all legislators are naturally interested in what happens during the interim period.

For an increasingly large number of legislators, however, the summer and fall months are nearly as busy as the months when the legislature is in session.

For there is always a good deal of work to be done.

The Interim Period

The interim period can occupy as much of a legislator's time as he is willing to commit. For members of leadership, there is work to be done nearly every day. For the rank and file members, there is plenty of work to be done, but members are free to work hard, moderately hard or not at all during the so called "off" months.

At the risk of over generalizing, interim activities can be grouped into one of four three categories:

- 1) Constituent service -- While most Senators try hard to deal with constituent concerns on a timely basis, the time demands during a legislative session sometimes make it difficult to deal with both constituent problems and proposed legislation at the same time. With apologies to the constituents, non-emergency constituent service may, of necessity, be pushed to those days and weeks immediately following adjournment of the regular session.

- 2) Serving on "Interim" Committees -- Although a bill may be passed into law by the legislature, sometimes debate and testimony during the legislative process will point out areas which need to be considered, but cannot be considered immediately due to the time constraints of the regular session. And sometimes an otherwise "good" bill has problems which prevent the bill from being passed by the legislature.

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Each year the legislature passes bills that require the House and the Senate to establish interim committees to gather facts and make recommendations on areas of particular interest. It is not unusual to have several dozen interim committees.

An "interim" committee" is a committee that meets during the months when the legislature is not in session. Most interim committees can accomplish their purpose in two or three meetings.

While most people refer to the interim committees simply as "study committees", there are technically at least three types of interim committees:

- 1) The "joint" committee -- A joint committee is composed of members appointed by the President of the Senate and the Speaker of the House of Representatives. There is generally a requirement to "report" findings to the full House and the full Senate prior to the beginning of the next regular session of the legislature. These findings may include recommendations for specific legislation. The joint committees hold public meetings, hear testimony and consider proposals, but they do not "pass" bills. Joint committees may be created by an act of the legislature, or they may be created by agreement between the President of the Senate and the Speaker of the House of Representatives.

- 2) The "select" committee -- Similar to the joint committee, but with the addition of one or more

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members "selected" from the private sector.

3) The "*ad hoc*" committee -- These committees may be composed of only Senate members or only House members. They may or may not have members from the private sector. *Ad hoc* committees may be formed by the President or the Speaker. With permission from the President or the Speaker, *ad hoc* committees may even be formed by committee chairmen or individual legislators.

Not surprisingly, there are occasional deviations from the descriptions of the types of committees just discussed. Historians of the Senate tell of joint committees without any legislative members, and "advisory" committees that may recommend legislation, and "task forces" which lead to proposed new laws. For the most part, though, the descriptions I've given should cover most cases.

3) The final outlet for time during the interim is in actually helping to draft bills for the next legislative session -- The summer and fall months are an ideal time to begin gathering information and discussing options for legislation which a member wants introduced in the next session of the full legislature.

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As summer turns into fall at the Capitol, members should be caught up on constituent service and the schedule of interim committee meetings should be nearing completion. But, as the next chapter describes, there are still more demands on the time of legislators who work during the interim. For, with January and the beginning of a new session nearing, efforts intensify from a number of sources -- efforts aimed at drafting bills, -- and new laws.

Where Do the Ideas for Bills Come From?

It is easy to assume that with the adjournment the legislature, the legislative feast should be over and the plate should be clean. Proposed new laws were either accepted or rejected. It should be time to relax.

In reality, the legislative “feast” is more like a quick snack at the drive thru. Even as the legislators head home from one session they are making notes on legislation for the next session. Here’s why:

1. Clarification of recently enacted laws. -- New laws don't always work out as intended. With the recent trend to shorter legislative sessions, and with over 1000 bills to be considered during each session, it should come as no surprise that each year legislation is passed which does not have all of the i's dotted or the t's crossed. (This is not to say that when sessions lasted 160-170 days all laws were perfect.)

Sometimes the need for corrective change is known before the bill is even passed, but there is simply not enough time to make the change. Most often, these minor changes are noticed when state

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officials begin preparing to put the new law into effect. Once in a while it is even later that the "glitches" are discovered. Occasionally the law is interpreted differently than its sponsors intended; sometimes there can be a conflict with other laws and sometimes what appeared to be a solution to a problem on paper doesn't work in the real world.

When these shortcomings are discovered, they are accumulated and, as the time for a new session approaches, a piece of "cleanup" legislation is proposed in the form of a technical corrections bill. Because the required changes are generally easy to make and are almost always non controversial, "clean up" bills are often introduced very early in the subsequent legislative session and they usually move quickly through the process. The bill is generally introduced by the chairman of the committee which dealt with the earlier legislation or by the sponsor of the earlier legislation.

2. Reconsideration of bills that haven't yet made it into law. -- One of the hardest things newcomers to the political process have to learn is that only rarely do significant changes to our laws make it through the first time around. The legislature is nothing if not deliberative. Many will not have time to consider significant change while a session is actually underway. The interim period is a good time to pause and reflect why a bill failed the previous session and it's a good time to rally support for another try during the next session.

There are other sources for proposed new laws. While all Senate bills must be introduced by one or more Senators (and, of course,

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all House bills must be introduced by one or more members of the House of Representatives) less than one-third of all new bills are the original ideas of the sponsoring legislators. This is the largest single source of new bills, but it is still a minority of the total. Legislators get their ideas for new bills from a number of sources. Following are just a few:

1) The results of interim committees. See the previous chapter.

2) Court decisions. From time to time courts (either state or federal) may rule portions of previously passed legislation to be unconstitutional. A court may also interpret a law in a manner which a legislator believes is incorrect or unintended. New laws to try a new approach or fine tune or clarify the old law may result.

3). Another large source of new bills is from state departments and agencies of both the executive and the judicial branch. Directors in these organizations will come to the legislature (either the House of Representatives or the Senate) for new or modified legislation for a number of reasons.

Sometimes existing laws need changing. As our society changes, our need for specific laws changes. Some legislation becomes out of date, other laws may need to be modified, either weakened or strengthened, to keep up with changing times. Once again the departments and state agencies will propose changes in legislation which will most often be introduced by an appropriate committee chairman.

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4) Ideas for new legislation also come from political subdivisions. Counties, cities, towns, school districts and special districts will also come to the legislature to modify existing laws. But they will also seek new legislation to help them best represent their constituencies.

5) Individual constituents propose new laws. Sometimes legislators will agree with the suggestions of the constituent and will work hard for the constituent as the bill makes its way through the process. Sometimes the legislator will introduce a bill on behalf of a constituent or constituent group but will do little or nothing to move the bill along. And sometimes the legislator will introduce a bill to satisfy a vocal constituent and then actively work behind the scenes to see that the bill dies somewhere along the road.

6) Finally, business and special interest groups are the prime movers behind proposals for some new laws. Believe it or not, this is often the smallest group of bills in terms of numbers, but it is these bills which often receive the most public attention.

Most of these special interest groups will be represented by one or more of Arizona's 7,500 registered lobbyists, but each year there is legislation suggested by very small interests who do not have professional lobbyists guiding them.

When lobbyists are involved, the legislation is generally presented in draft form to a sponsoring legislator. Here, too, it is important to have the appropriate committee chairman "on board" with the proposed legislation. But, to a greater extent

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than with departmental or agency legislation, the prime sponsors of the bill come from rank and file legislators.

When lobbying organizations are not involved, when an idea comes from a single company or a small group of involved constituents, it is generally the case that the proponents will have an idea of what they want to accomplish but that idea will not have been actually developed into proposed legislation. If this is the case, the proponents will find a legislator to sponsor and help craft a bill.

7) Miscellaneous sources of new bills include audit recommendations, news media investigations or special reports, national legislative organizations such as the National Conference of State Legislators, the American Legislative Exchange Council, or the Council of State Governments. In short, anyone, anywhere, with an idea stands a chance of finding a means to have a proposed new law introduced.

The following table shows the number of bills introduced and passed by the Arizona legislature for each of the years since 1989. (Special session legislation is not included.)

<u>Year</u>	<u>Senate</u>	<u>House</u>	<u>Total</u>	<u>Passed</u>
1999	419	706	1125	353
1998	431	698	1129	304
1997	468	577	1045	307
1996	425	571	996	385
1995	407	550	957	309
1994	565	598	1163	380
1993	433	393	826	261

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1992	545	597	1142	369
1991	476	503	979	335
1990	559	692	1251	417
1989	468	665	1133	322

Since 1960 the percentage of bills introduced which ultimately passed has ranged from 18.3% in 1963 to 45% in 1986.

Source: "Senate and House End of Session Bill Summaries"

The Sponsor of the Bill

Only elected legislators or a committee of legislators can introduce bills. Bills introduced in the Senate are sponsored by one or more Senators (or a Senate committee). Bills introduced in the House are introduced by one or more Representatives. Bills cannot be introduced by the governor, by state agencies or by any other person or organization.

Except for budget bills, or bills which need to be "fast tracked", or bills which are considered particularly critical, identical bills are generally not introduced in both houses.

In most cases, the original sponsor of the bill will circulate the bill to get signatures of "cosponsors." Legislators can sign on as "Prime sponsors" or as "Additional sponsors", depending on their depth of feeling for the bill. Sponsors can be from either or both political parties, and they can be from either branch of the legislature. It is not unheard of for some popular bills to have a majority of one or the other house sponsoring them.

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Believe it or not, having a majority of the body cosponsor a bill is no guarantee that the bill will pass. Keep reading.

While in some cases who sponsors the bill is not important, there are many cases in which having the right sponsor is critical.

For example, bills which pertain to a single legislative district, or to two or three legislative districts, have a much better chance of passage if they are sponsored by legislators from the areas affected. There is a good deal of respect in both the House and the Senate for individual legislators where activities in their districts are concerned. If affected legislators are not sponsors, they should, at a minimum, be aware of the bill. If legislators from affected districts are against the bill, the bill is likely to have a hard time getting the votes necessary to pass.

It is also a political fact of life that a number of sponsors should, whenever possible, be from the majority party. This is not to say that bills sponsored solely by members of the minority party do not pass. However, there is limited time to consider bills during each legislative session, and it is natural that first priorities will go to bills which further the agenda of the majority party.

Obviously, sponsorship of a bill by a member of the House or Senate leadership will have an impact. Each session there are members of the majority party who vote against bills sponsored by their leadership but it would be naive not to think that leadership weight behind a bill can be very influential.

Perhaps the most important players in the sponsorship process, however, are the committee chairmen.

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State departments or agencies develop working relationships with their respective committee chairmen, often meeting on a regular basis when the legislature is not in session. The same is true with lobbyists and representatives of special interest groups. A committee chairman will almost always understand the areas affected by his committee as well as, or better than, any other legislator. It is natural, therefore, for department and agency heads to seek them out as sponsors.

There is a more practical reason for efforts to solicit the sponsorship of the appropriate committee chairman on a bill. As we'll discuss in a later section, after a bill is "first read" in the House or "second read" in the Senate, it is referred to a committee. If the committee chairman elects not to hold hearings on the bill, the chances of that bill becoming law are lessened considerably.

There is one final item regarding sponsorship of a bill. Not by law or by rule, but by tradition, a sponsor "controls" his bill. He can often influence amendments to the bill and he can ask that progress of a bill be slowed. He can even ask for his bill to be killed. More on this later.



A Senator can also sponsor a bill but can indicate that the bill is being introduced "By Request". When "By Request" is added to the bill the Senator is generally saying:

"I haven't had time to read and study this bill and just because I am sponsoring it does not necessarily mean I will support it," or

"I don't care whether this bill goes anywhere or not. I'm only sponsoring it because someone asked me to and I had my reasons for not turning down the request."

The Role of Committees and Committee Staff

Permanent (or “standing”) committees are adopted by the Senate as a whole (in the Senate - Rule 7 (A)), but in practice the number and the names of the committees are determined by the presiding officer of each house (the Speaker of the House and the President of the Senate) and ratified by each body. The presiding officer also assigns legislators to each committee. (in the Senate - Rule 2 (I)). Committees may vary in size, but each committee will have roughly the same percentage of members from each party as that party has in its house. Thus, each committee will have a majority of members from the majority party. Most committees have 8 or 9 members, but there may be instances where a committee could have five or even fewer members. The Appropriations Committee in the Senate is usually the largest committee; usually with 15 members.

In addition to the legislative members of the committee, each committee has a full-time paid staff member. There is one full time analyst for each committee and there is usually an intern during the legislative session. Committee staff is nonpartisan.

Once a legislator has agreed to sponsor a bill, one of the first steps is often to go to the appropriate committee staff. Staff can almost always provide significant information, such as previous attempts to do what the proposed bill does, what happened to those attempts, who the major interests pro and con are likely to be, and so on. Sometimes legislators will take just an idea for legislation to staff and staff will take over management of the bill drafting on behalf of the legislator.

The Role of Majority and Minority Staff

In addition to the nonpartisan committee staff, each caucus also has a small number of full time partisan staff members. There is a Republican caucus and a Democratic caucus. These staff members also play a critical role in researching and gathering information on prospective legislation. In addition, if a legislator wishes, partisan staff provides advice, strategic planning, legal counsel and public relations services.

The Role of the Legislative Council

The Legislative Council was formed in 1953 as a result of an act of the Legislature. (Laws 1953, chapter 2) Legislative Council performs a number of duties for the legislature, such as maintaining the computer system, but its main function is to assist in the preparation of proposed legislation. Legislative Council also contains the Ombudsman's Citizen Aid Office.

All proposed bills are drafted and prepared for introduction by the Legislative Council staff. Legislative Council may be requested to prepare a proposed bill draft by any legislator, by partisan staff at the direction of a legislator, or by direction from a committee of the Senate.

Many "secrets" reside for a time with the Senate staff groups or with Legislative Council. Work being done on proposed legislation is absolutely privileged to the legislator doing that work unless the legislator indicates otherwise. This is done so the Senator may "test the waters" with fellow Senators or with constituents or interest groups.

If it appears likely that the bill will not have an appreciable level of support, the draft bill can be substantially revised or even quietly abandoned.



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If similar work is being done by another legislator, it may be the case that committee staff or Legislative Council staff will, in general terms, advise the legislator that similar legislation is under consideration, but the other legislator is never identified without his permission. In most cases legislators are perfectly willing to work with other legislators to draft the best possible laws, but there is nothing that says that a “bombshell” bill cannot be researched, written and introduced without the knowledge of most of the legislature. There is also nothing to prevent two legislators from introducing essentially similar bills.

In “Leg (pronounced ‘ledge’) Council” the actual legal language is constructed and entered into the main legislative computer. It is often necessary to check back with staff members or the sponsor several times to be sure the language does what the sponsor intended. This may require several drafts of the proposed legislation.

Leg Council performs a number of crucial tasks often not appreciated by the legislators or the general public. For example, if a particular change is proposed for one statute, Leg Council is expected to know how that proposed change might affect any of the thousands of other statutes on the books. Leg Council is also expected to know how language is used in other statutes, so the chances of unclear meanings or double meanings are reduced.

Most importantly, legal staff in Leg Council may suggest changes intended to help the proposal pass Constitutional muster. For example, the Constitution (Article IV, Part 2, Section 13) requires that, “Every act shall embrace but one subject and matters properly connected therewith...” If proposed legislation obviously covers two or more subjects, Leg Council will advise the sponsor that the bill must be trimmed, split into two or more bills, or face a potentially successful challenge on Constitutional grounds.

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The Rules Committee is the official arbiter of these matters, but as a matter of courtesy Leg Council sometimes advises Senators of potential problems in order to save time and inconvenience later on.

The “Intro Set”

When all questions have been answered, and final language has been agreed to, the bill is finally drafted. The next step is for Leg Council to prepare an “intro set”. An intro set has five main parts:

1. The Title of the Bill — The official title of the bill generally uses words such as “amending” or “establishing” or “creating”, etc. The title must contain any and all existing statutes which have to be modified to accommodate the provisions of the proposed bill.

In fact, the framers of our state constitution felt the title was so important that it said in Article IV, Part 2, Section 13, that “Every act shall embrace but one subject... if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void...”

So, this means that any bill can have only one subject and the title has to say what that subject is.

2. The Short Title — The short title of the bill is how the bill will generally be known as it goes through the legislative process. This title will be five or fewer words that uniquely describes the bill. The short title has no legal significance.

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Sometimes bills acquire humorous or sarcastic unofficial “short titles.” On occasion these unofficial titles will be used so often that legislators will not recognize a bill by its official short title.

3. The Enacting Clause — This portion of the bill must contain the words “Be it enacted by the Legislature of the State of Arizona...” (Article IV, Part 2, Section 24)

4. The Text of the Bill — Draft language for the bill is prepared on pages with line numbers down the left-hand side. This is so reference to a particular portion can quickly be made. New or additional statutory language is inserted in all capital letters. Language to be eliminated appears with a line through it. A very short mythical example:

1 The speed limit on INTER
2 STATE highways shall be
3 no more than ~~seventy~~
4 SEVENTY-FIVE miles per
5 hour.

5. A cover sheet for sponsors to sign.

Once the “intro set” has been prepared it is delivered to the sponsoring legislator.

Between the time the legislator receives the “intro set” until the deadline for filing new bills, the legislator is free to circulate the proposed bill for additional sponsoring signatures. Not all legislators want additional signatures on each piece of legislation they plan to sponsor, but in general, a large number of sponsoring signatures serves as a signal that there is widespread support for the proposed legislation.

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If it appears likely that the bill will not have an appreciable level of support, the bill can be quietly abandoned.

In non-election years, bills may be circulated and may be “pre filed” as early as November 15th (in the Senate Rule 14D). In election years bills may be prefiled as soon as the Secretary of State has certified the election of members. Or, legislators may wait and may circulate the bill for signatures up to the deadline for filing new bills. By Senate Rule (14C), this deadline is set for the 22nd day of each regular session or the tenth day of a special session.

What are “Vehicle Bills?”

There is one last source of new bills; a small but nonetheless important source.

The state constitution requires all bills to cover one subject only. (Article 4, Part 2, Section 13) Any amendments to a bill must relate to that subject — they must be “germane”.

“Vehicle bills” are bills which are drafted to make extremely minor, and almost always unnecessary, changes to existing law. They are not intended to pass as is. Instead, a number of vehicle bills, on a number of different subjects, are introduced at the beginning of each session and are moved through the process.

Vehicle bills have at least three purposes:

- 1) In the course of every legislative session there are bills which have strong backing which nonetheless do not clear one of the many hurdles in the legislative process. In some cases, there is reason to believe that the bill could be passed if given a new life and another chance.

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If an important “non-vehicle” bill dies and if the subject matter of the important bill cannot be amended to any other bill which is still alive, it may be possible to identify a vehicle bill, and, using the amendment process, the subject of the vehicle bill is deleted and the subject of the bill that earlier died is amended onto the little that is left of the vehicle bill.

2) There are times when issues arise after the deadline for the filing of new bills. Using vehicle bills allows these new matters to be considered during the current legislative session; the issue need not be put aside for almost a year until the next session.

3) Vehicle bills can be used as “placeholders” for issues which have not been fully developed at the time of the deadline for the introduction of new bills.

Because the use of a vehicle bill, while technically legal, skirts what some consider “fair and right”, (in that vehicle bills don’t always get the public notice and attention that other bills do), vehicle bills are sparingly used.



Generally, unused vehicle bills never come to a vote on the floor and die with the end of the session, although old -timers tell stories of times when on very rare occasions a mistake was made and a vehicle bill was actually enacted into law!

The “Hopper”

When the sponsor has as many signatures as he can get, or as many as he wants, he formally files the bill. This is done by placing the “intro set” into a box in the office of the Secretary of

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the Senate or the Clerk of the House. The box is known as “the hopper”.

At this point the proposed legislation is formally designated as “a bill”. The first bill introduced each in the Senate each session is SB1001, the second is SB1002 and so on. The House of Representatives starts with HB2001. The bill is logged and copies are made available for the first time to other legislators and to the general public. (Although, as we’ve already seen, few proposals get to this point entirely unknown because sponsors circulate bills for additional signatures or to test public opinion.)

If the legislative session is underway, the bill is put on the calendar for “first reading.”

The number of bills introduced during a legislative session may total 1,000 or more. Some bills may be only one page long; others may have hundreds of pages. It is not practical for each legislator to read all of the bills introduced; there simply isn’t enough time. Instead, many legislators will file the bills they receive and will read individual bills only when the bill reaches a stage in the process where the legislator needs to become involved with the bill. For some bills this is when the bill is assigned to a committee of which the legislator is a member; for other bills it is when the bill is discussed in caucus.

First Reading of the Bill

The Arizona Constitution (Article IV, Part 2, Section 12) requires each bill to be “read by sections on three different days, unless in case of emergency.” The rationale for reading each bill in its entirety three times goes back to territorial and early statehood days when communications between the legislators was much more difficult. Although it might be expected that anyone serving in the Arizona legislature would be literate, such was not

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always the case. Thus, to avoid embarrassment to those who could not read well, the bills were read to them. Even more importantly, the legislature did not always have the use of computers and high speed copiers to quickly print multiple copies of bills and amendments. Many of us can remember the old mimeograph machines, and before them anything duplicated had to be type-set and printed or it had to be recopied by hand. Reading proposed legislation out loud saved the time and trouble of waiting for multiple copies to be made.

Reading each bill three times also served as a sort of notice to the public.

Despite the lofty goals of requiring each piece of legislation to be read three times, in practice it became obvious that reading each piece of legislation three times would be enormously time consuming. Ingenious methods were devised to follow the Constitution, but nonetheless save time. For example, if a thirty page bill was introduced, thirty different people would each read one page. And all thirty would read at the same time!

Eventually, the legislature sought to get around the three readings. The solution was again creative. They simply declared an emergency. (Remember the “unless in case of emergency” in Article IV?) Under this provision, instead of reading the entire bill three times, the legislature only reads the title of the bill three times.



So, to this day, one of the very first items on the agenda at the opening of each legislature is to have an emergency declared. Put differently, every piece of legislation passed for a number of years has been passed under an “emergency”!

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(This procedural “emergency” is, of course, different from “emergency clause” legislation. Legislation with the emergency clause is discussed further on in this booklet.)

Today, all legislators have a printed calendar of exactly what is going to be considered and when that consideration will take place. Today’s legislators are also able to read. There is no longer any real need for three separate readings.

The presiding officer of each house is responsible for determining when bills are to be placed on the calendar. Until just recently, the President of the Senate had the sole discretion of which bills to introduce to the legislative process in the Senate. If the bill was not read a second time, it was essentially dead for the session. The only alternatives open to the backers of the bill were to have the subject matter amended to a similar bill which still survived, have a “vehicle bill” used, or offer a “strike everything” amendment.

Current rules require all bills in the Senate to be introduced and assigned to a committee.

First Reading of Bills is one of the early items on each day’s agenda, so, shortly after the prayer and the pledge of allegiance, the presiding officer will say “First reading of bills.”

When first reading is announced, a staff member known as “the Reader” rapidly reads the bill number and the title of each bill up for first reading. He does this very quickly, introducing perhaps a half dozen to a dozen bills in a minute.

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The performance of the reader is almost always met with astonishment and then smiles from those seated in the gallery. Hardly any of the visitors, and hardly any of the Senators, can make out what is being said, but everyone is amazed that the reader could read so fast. On days in which a large number of new bills are introduced, it is not unusual for the gallery to break into spontaneous applause when the reader finishes. Sometimes the Senators even add their appreciation!

In the Senate, first reading is essentially ceremonial. In the House of Representatives, committee assignments are made on first reading.

During the 1999 session of the Legislature, 419 bills were introduced in the Senate. We'll keep track of the attrition as we move through the process.

Second Reading of Bills

On the day after bills are first read, they are eligible for second reading. In the House of Representatives bills are assigned to committees on first reading; in the Senate committee assignment is done on second reading.

For most bills there is an obvious standing committee to which the bill should be assigned. In other cases, the assignment might not be quite as obvious. In determining committee assignment the President and the Speaker of the House might talk with other members of the majority leadership, to the sponsor of the bill, and even with individual legislators before assigning a bill to a committee. He could meet with the chairman of the committee

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to which the bill would most properly be assigned to determine the reaction of the committee chairman to hearing the bill.

By Senate rule (2 J) all bills are automatically referred to the Rules committee, so in the Senate the President announces only the names of the other standing committees appropriate to each bill.



Sometimes bills are assigned to two or more standing committees. This could take place when the subject matter touches on the “turf” of multiple committees, but it could also take place as part of an effort to make the road to law for the bill as difficult as possible. When a bill is assigned to multiple standing committees, it must pass each committee in order to continue in the legislative process. If the bill passes the first committee and then is held, buried in subcommittee, or voted down in the second committee, it is as dead as if it was never heard in the first committee. Sometimes this ploy can be an excellent way of satisfying both the proponents and the opponents of a measure!

The Role of the Committee Chairman

Bills assigned to a committee on second reading immediately face another hurdle. The committee chairman of the committee to which the bill has been assigned must decide on a specific course of action for each bill. The options of the committee chairman are:

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- a) Hear the bill and vote on it
- b) Hear the bill but take no action
- c) Assign the bill to subcommittee
- d) Not hear the bill

The current practice is that no bill can be passed without public hearings, but there is no requirement that all bills assigned to a committee must receive a public hearing. Generally, public hearings are held for those bills which the committee chairman feels should move further forward in the legislative process.

Committees usually meet once a week, on the same day, and generally at the same time. In the Senate, rule (7 B 11) requires that Senate bills must be heard by their standing committees prior to the Saturday of the sixtieth day of the session.

There is, then, a maximum of eight regular committee meetings for each Senate committee to discuss bills introduced in the Senate. Sometimes this number is reduced to six or seven due to scheduling conflicts; sometimes the number is increased by holding one or two special meetings.

All in all, few committees could possibly have hearings on every bill. It is the job of the committee chairman to decide which bills to hear and when to hear them. In making this determination, the committee chairman will consider whether or not a bill has a reasonable chance of passing his committee.

During the 1999 session, of 419 Senate bills assigned to committees, 140 or 33%, were held in committee (a few of these bills were given hearings). The remaining 279 bills were given committee hearings and voted either up or down.own. The committee chairmen were pretty good judges of what would pass, because only 29 of the bills failed at the committee level.

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Getting a hearing on a bill is a crucial first step for individual citizens, lobbyists, special interest groups and state agencies. As will be seen below, in the Senate, bills that receive a hearing have a high likelihood of passing committee, and almost as high a likelihood of passing the full Senate. So, while failure to secure a hearing is a virtual disaster for a bill, getting a hearing takes a bill on the longest step towards becoming law.

If a committee chairman for whatever reason decides not to hear a bill, that bill is not dead, but it is severely wounded. It is within the President's or the Speaker's power to remove a bill from a committee and assign it to another committee but this procedure is rarely used over the objections of a committee chairman. And, in the Senate, Rule (7 B 6) provides that upon receipt of a petition signed by 2/3 of the committee, the chairman will immediately schedule a bill for a hearing. To reach 2/3 however, and force the committee chairman to hear a bill, some members of the majority party would have to go against their committee chairman. This almost never happens.

For bills that the committee chairman elects not to hear there is always the option of having the subject matter of the bill amended to another bill that still survives. This is the route most often taken.

In the Senate if a committee chairman decides to hear a bill, at least five days before the committee meeting the chairman must distribute a public agenda announcing the specific bills to be considered. No other bills, resolutions or memorials, unless by unanimous consent, may be discussed at the meeting (Senate Rule 7 B 5.)

Before the Committee Meeting

During the five days before the committee meeting, increased attention begins to be focused on the bill. It is during this period that the committee members become more familiar with the bill and what the bill would do. Often legislators will not even read bills until they are scheduled for a committee of which they are a member. There is, after all, little reason to read every bill when it is introduced if over a third of them are never even scheduled for a committee hearing.

While legislators are getting up to speed on the bill, staff research and preparation intensifies. Fact sheets are prepared and other pertinent background information is collected.

It is also during this time that contacts from lobbyists and interest groups intensify. Once proponents of legislation have convinced the committee chairman to hear a bill, efforts shift to convincing a majority of the committee to vote to pass the bill out of committee.

The first amendments begin to appear.

Amendments

One of the most visible results of this heightened attention to the bill in the period before the public committee hearing is often found in the filing of amendments. Once a bill has been scheduled for committee, it is subject to the amendment process.

Amendments can be offered by any member of the committee. Amendments may correct technical errors noticed since drafting, amendments may strengthen the bill or weaken the bill, and in one situation, amendments may even entirely change the bill.

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Committees have different rules as to how amendments need to be offered, but the general rule in the Senate is that amendments must be made available to others no later than 5 P.M. on the business day before the committee meeting.

The “Strike Everything” Amendment

The “strike everything” amendment is unique, and barely qualifies to be called an amendment. It is, more properly, a complete replacement. In a “strike everything” amendment, everything after the words “Be it enacted by the Legislature of the State of Arizona” is struck out, or removed, and is replaced by entirely different language. When an amendment of this type passes, the original bill and all amendments associated with it are gone.

A “strike everything” is one of the most common ways to resurrect a bill that has previously “died”. Towards the end of session is sometimes seems as if every other bill is a “strike everything”.

“Strikers” also a way to deal with an issue which arises after the deadline for the filing of new bills.

In the Senate all “strike everything amendments” to existing bills must be scheduled by filing a notice in the Secretary of the Senate’s Office by 5:00 pm two days in advance and must be heard by a standing committee at a public hearing.

Needless to say, because this type of amendment destroys the original bill, a “strike everything” is rarely used without permission of the original bill’s sponsor. In a more perfect world, “strike everything” amendments would be used only on “vehicle bills”.

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In the “olden days”, it was permissible for legislators to propose “strike everything” amendments during floor debate on a bill which had already cleared committee. This meant that for all practical purposes the new bill contained in the strike everything amendment could be debated and voted into law without a public hearing and without giving interested citizens and lobbying groups an opportunity to be heard.

(Remember that each house of the legislature makes its own rules. Requiring notice and public hearings and restricting the use of devices such as “strike everything” amendments is a sign of the reform process which has been underway in the Senate for several years. The Senate has never been more “open” than it is today.)

The Committee Meeting

Committee meetings are almost always held in one of the designated hearing rooms on the first floor of the Senate and the House buildings. Prior to the meeting, bills to be heard, copies of amendments and a “Fact Sheet” for each bill are prepared by committee staff and are made available on a table outside the committee room. The table will also include “Sign-In Slips” for individuals to fill out if they wish to testify on a bill. These slips are forwarded to the committee chairman prior to the meeting.

Once the meeting is underway, one of the first orders of business is generally for the committee chairman to announce which bills, if any, are to be “held.” Remember that the agenda for the meeting indicates which bills are eligible to be heard, but there is no requirement that each bill on the agenda actually receives a

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hearing. Sometimes there are last minute technical problems with a bill, sometimes support dries up unexpectedly, and sometimes it becomes obvious that the time allocated for the meeting will not be enough to hear all of the bills on the agenda. By announcing “held” bills, the committee chairman does a courtesy to audience members who may have come to the hearing only for the bill or bills being “held.”

Many committee chairmen will also announce the order in which the bills are to be heard. Because it is not always possible to hear every bill, if a chairman who wants to be sure a bill will be heard can put it at the top of the agenda. Announcing the order in which bills will be heard is also a courtesy to the audience. It gives audience members a rough idea of the time period in which particular bills will be heard.

The first step in “hearing” a bill will almost always be a short objective presentation by one or more members of the committee staff. Staff will explain what the proposed bill does, may give appropriate legislative history and may answer questions from legislators sitting on the committee.

If the sponsor of the bill is on the committee or in the audience, the sponsor will generally initiate testimony on the bill.

Testimony from witnesses generally follows. In some instances testimony is prescheduled and the order of at least some witnesses may be arranged in advance; but for most other bills the chairman will simply sort through the sign-in slips and call on individuals to testify. Witnesses may also be asked questions by the committee members.

There is no requirement that all who want to testify be allowed to do so. In fact, there is no requirement that anyone be allowed to testify. These matters are solely within the discretion of the committee chairman.

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As a general rule, however, lobbyists for recognized interest groups are almost always allowed to testify because they represent large constituencies. There has been a trend in recent years to make a sincere effort to encourage private citizens to make their views known. In fact, the two limiting factors to hearing anyone who wants to give testimony are usually the lack of time and the eventual petering out of nonrepetitive testimony. On most bills, all who wish to speak generally have the opportunity to testify for at least a few minutes.

At some point it will become appropriate for the committee chairman to consider putting the bill in question to a vote. A chairman can “hold” a bill at anytime; during testimony, or debate. If there appears to be general agreement for the bill, the chairman will look for a motion to adopt the bill.



There are no hard and fast rules about who makes motions, but by tradition the bill is moved by the sponsor of the bill if the sponsor sits on the committee. Otherwise the vice-chairman of the committee usually “moves” the bill.

The format is generally as follows:

“Mr. Chairman, I move Senate Bill 1234 be returned with a ‘Do Pass’ recommendation”.

In the Senate a motion does not require a second.

If there are no amendments to the bill, the chairman will entertain discussion on the bill. Any committee member may speak for as long as he likes and can speak as often as he likes, so long as he is recognized by the chairman.

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At the conclusion of discussion, the chairman will call for a roll call vote on the bill and will announce whether or not the bill is adopted by the committee and recommended to the entire body.

In a roll call vote, the secretary reads each committee member's name in alphabetical order, with the exception of the chairman who is called last. Each committee member has three initial options, "Aye," "Nay" or "Pass". A "Pass" is only a temporary relief from voting; in the Senate, every Senator who is present must vote. (In the House, it is permissible to vote "Present" which counts as neither an aye nor a nay vote.) A "Pass" can be used if a Senator has not yet made up his mind, or if he wants to see how other Senators vote before he does. After completing the roll once, the Secretary will return to those who passed before calling on the chairman for his vote.



There is a procedure in the Senate for excusing oneself from voting. Under Senate Rules 15 and 30, Senators with conflicts of interest can be excused from voting on specific bills.

If there are amendments to the bill, the chairman will indicate the order in which the amendments are to be considered and the sponsor of the first amendment will begin the amendment process. The form for introducing an amendment is:

"Mr. Chairman, I move adoption of the two page amendment bearing my name and carrying the date of 2/1/95."

Following introduction of the amendment, there is discussion on the amendment similar to the discussion on a bill.

At the conclusion of discussion, the chairman will call for a voice vote on the amendment and will announce whether or not, in his

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opinion, the amendment is adopted. A roll call vote is only taken if requested by one of the committee members.



Sometimes roll call votes are called for on amendments because a committee member believes the chairman has heard wrong — that there were actually enough voice votes to swing the issue the other way. But, there is also a political purpose; by asking for a roll call vote a member can force the other members to make their position on the amendment a matter of the public record.

After all amendments have been considered, if one or more amendments has been adopted, the form for adopting the bill is:

“Mr. Chairman, I move that Senate Bill 1234, as amended, receive a ‘Do Pass’ recommendation”.

The chairman authorizes a roll call vote and announces the result. Senate Rule (7 B 5) requires only a majority of members present to advance a bill.

(It is important to note that, while committee approval is a requirement for each bill, passing through committee does not guarantee that the bill will become law. Often committee hearings will reveal need for additional work on a bill. If there is not enough time to “hold” the bill and rework it, some committees will pass the bill out of committee with the understanding that additional work will be done on the bill before the bill reaches a vote of the full Senate. See discussion of “floor amendments” below. And, sometimes Senators will vote at the committee level for bills they do not support in order to allow the full Senate to make a determination on the merits of the bill.)

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As we have already seen, most bills come to a committee's attention after they go in the "hopper", are "first" and "second" read and are scheduled for a hearing by the committee chairman. The exceptions are proposals in the Senate for "committee bills".

Senate Rules (7 B 5 and 7 B 8) allow for bills (and resolutions and memorials) to be introduced by a committee. (The House does not have a similar rule.) Most Senate bills are sponsored by one or more Senators, so this procedure is not used very often. The procedure, though, is as follows:

Someone has to have an "intro set" that has not yet gone into the "hopper".

The committee chairman has to schedule consideration of the item (unless there is unanimous consent to skip this part).

If the committee is unanimous in wanting to introduce the draft as a bill, it is called a "committee bill". If the vote is less than unanimous, but more than half, to introduce the bill, it becomes known as a "majority of committee" measure.

From committee the bill goes into the "hopper" and then to the President for the usual scheduling for "first" reading.

Following the committee meeting, minutes of the meeting are prepared and distributed. The minutes and records of the roll call votes are open for public inspection in the lobby of the Senate or in the office of the Secretary of the Senate. All committee meetings are also recorded on audiotapes and the tapes are made available to the general public at a nominal cost.

The Subcommittee - Boon, or Kiss of Death?

As discussed above, one of the options of the committee chairman is to assign a bill to a subcommittee. There are generally two reasons for assigning a bill to a subcommittee:

1) The bill has had a hearing in the full committee and testimony reveals that additional work or additional testimony on the bill is required. Rather than take up the time of all of the committee members, the committee chairman may appoint a subcommittee to continue work on the bill and report back to the full committee. A chairman can assign a bill to subcommittee virtually at his discretion.

2) If the committee chairman wants to avoid criticism for not hearing a bill, but nonetheless doesn't want the bill to pass, he can assign it to subcommittee and then give a strong suggestion to the subcommittee chairman that he not hear the bill. This is the same as killing the bill.

Subcommittees represent a small departure from the usual procedure with meetings in the Senate. Subcommittee meetings do not have minutes taken, there does not need to be written notice of a subcommittee meeting and there need not be a written agenda.

On the other hand, in order to comply with open meeting laws, it is necessary that all deliberations take place in public and it is necessary that any planned subcommittee meeting be announced during an open session of the Senate.

So, having a bill assigned to subcommittee can be either a good or a bad sign. In recent years, though, going to subcommittee has more often than not been a kiss of death.

The Role of the Rules Committee

Legislators on the Rules Committee, aided by advice from the nonpartisan Rules Attorneys, function as a sort of legal review panel for proposed legislation. Among other things, the Rules Committee reviews each bill for constitutionality and proper form. A bill goes to the Rules Committee after it has cleared its regularly assigned committee(s).

The Arizona Constitution, for example, requires that “Every act shall embrace but one subject and matters properly connected therewith.” (Article IV, Part 2, Section 13)

This may appear to be a simple requirement on its face, but it is one often difficult to determine. Is a bill dealing with a school tax, for example, a bill about taxes, or a bill about schools? The difference can be very important. It is in the Rules Committee that potential difficulties with constitutionality and form are worked out. In rare instances a bill is rejected entirely. Most often amendments are proposed to correct deficiencies noted by the Rules Attorney.

While it does little good for the legislature to spend time, money and effort on legislation which is most likely going to be declared unconstitutional if challenged, there is no requirement that the Rules Committee go along with the recommendations of the Rules Attorney.

There is a saying, uttered only partly in jest, that if a bill can get “16 and 31” it is Constitutional. The saying refers to the number of votes necessary to pass a measure through the Senate and the House of Representatives. In a sense, the saying has validity. If a bill can pass through the legislature and is signed by the governor, it is presumed to be Constitutional unless and until it is successfully challenged in court. It is not unheard of for proposed

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legislation to pass even though almost all parties know it will be ruled unconstitutional — sometimes there are political reasons for doing so. For the most part, though, a ruling by the Rules Attorney that proposed legislation is unconstitutional is enough to severely dim any chances of the proposed bill becoming law.



The role of the Rules Committee in the Senate is different in one major aspect from the role of the same committee in the House of Representatives. In the Senate, bills are usually not “held” in the Rules Committee for partisan or political purposes; bills which go into the Rules Committee are almost always reported out. In the House, the Chairman of the Rules Committee can “hold” (read “kill”) a bill simply by not giving it a hearing.

The Consent Calendar

In the Senate bills which are reported out of committee with no amendments are automatically put on the consent calendar. Bills on the consent calendar skip Committee of the Whole and go directly to Third Reading. Any member of the Senate can object to a bill being on the consent calendar. The objection removes the bill from the consent calendar and routes it to the Committee of the Whole.

The Caucus

The caucus is not a Constitutional or statutory part of the bill consideration process. In a sense, though, it is one of the most important parts of the process.

Each political party in each house has a caucus consisting of

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legislators of their party. There is, therefore, a majority caucus and a minority caucus in each body. In the Senate, the majority caucus room is on the second floor of the Senate; the minority caucus room is on the first floor. Caucus meetings are currently open to the public, by Senate rule. Caucuses are not , however, subject to the Arizona Open Meeting law and there is no guarantee that caucus meetings will always be open to the public.

Periodically during the session, caucus meetings will be used to make legislators aware of the bills which have cleared their standing committees and the Rules committee. While each legislator is knowledgeable about bills which have cleared the committees of which he is a member, the legislator may know little or nothing about bills which have cleared other committees. Indeed, caucus may be the first time they have heard of a particular bill.

During the caucus review, staff members will summarize each bill that has cleared committee and caucus members will have the opportunity to ask questions about the bill. Bills are not debated in caucus, and formal votes are not taken, but during discussion individual legislators may voice support or opposition to the bill and that discussion will often give an indication of future success or failure. Caucus discussion also occasionally reveals a need for additional amendments or corrections to the proposed bill.

Both parties usually cooperate to move bills quickly through caucus so the bills can be considered in Committee of the Whole.



“Committee of the Whole” is almost always referred to as “COW”!

The Calendar of the Committee of the Whole

In the Senate once a bill has cleared its committees, it goes on the calendar of the Committee of the Whole (Senate Rule 8 A 1). The COW calendar functions as a holding area for bills. No bill may be considered on the floor of the Senate until after it has been on the COW calendar for five days. The calendar of the Rules Committee is drawn from this list and during this period bills may be discussed by the Rules Committee and they may be discussed in caucus.

Committee of the Whole

As seen above, in the Senate the holding area for bills is the calendar of the Committee of the Whole. From the bills on this calendar the President selects bills to become part of the active calendar of the Committee of the Whole. (Senate Rule 8 A 2). Even though a bill has passed through committee and has been discussed in caucus and the Rules Committee, there is no requirement that the President permit the bill to proceed any further in the legislative process.

During the 1999 session, only five bills did not “clear” the COW calendar, that is to say, the President of the Senate did not advance them to Committee of the Whole.

Committee of the Whole is one of the orders of business during a legislative session. It is, in effect, a committee meeting of all Senators, (or House members) but without additional testimony from outside sources. It is in Committee of the Whole that debate takes place.

When a Committee of the Whole is convened, the presiding officer does not generally appoints a chairman for the meeting. The chairman is generally a legislator well versed in parliamentary procedure and the regulation of debate. Not all legislators

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are interested in serving as COW chairman. The chairmanship will rotate during the 100 days of the session with some legislators serving as chairman several times and others not serving at all. Conduct of the Committee of the Whole in the Senate is set forth in Senate Rule 16.

As the body nears the place on the calendar for Committee of the Whole, there may well be a flurry of activity as pages move quickly from desk to desk on the floor. They are delivering amendments.

We have already seen that, in the Senate, for amendments to be considered by one of the standing committees of the Senate, those amendments must be published by 5:00 P.M. on the day before the committee meeting. There is no such rule for amendments offered in Committee of the Whole. While many amendments may be ready in advance of the COW meeting, others may not be ready until after the meeting has started. There may even be amendments drafted and delivered as debate is going on. Indeed, one of the most difficult tasks for legislators during COW debate is to not only determine the merits of the bill itself, but also to consider the bill in the context of numerous amendments which may be offered.

A COW session begins with the designated chairman assuming the presiding officers chair. Following the calendar established by the presiding officer, the chairman will call on the Secretary (or the Clerk in the House) to read the title of the first bill. This function is generally performed by the reader. The chairman then calls on the sponsor of the bill (or the chairman of the appropriate committee if it is a House bill) who makes a motion in the following form:

“Mr. Chairman, I move that when the Committee of the Whole rises to report, it recommends that Senate Bill 1234 do pass.”

Simple Bills

In the event that the bill has no amendments, the Chairman will call on the sponsor of the bill and invite him to introduce debate on the bill.

As the sponsor speaks, other legislators may indicate to the Chairman that they also wish to be heard. The Chairman will call on all who wish to speak. Any Senator may speak as long as he wants and as often as he wants. (House rules are somewhat more limiting.)

There are few rules about what can be said and what cannot be said during debate. Senate Rule 9C says that no Senator, during debate shall impute to another Senator any conduct or motive unworthy of a Senator. And, the Arizona Constitution says in Article IV, Part 2, Section 7 that no member of the legislature shall be liable in any civil or criminal prosecution for words spoken in debate.



The combination of these two rules could be interpreted to mean that a Senator can say anything he wants as long as he doesn't say anything bad about another Senator!

When debate has wound down, the Chairman will say approximately the following:

“Is there any further debate? If not, the question before you is that when the Committee of the Whole rises to report, it recommends that Senate Bill 1234 do pass. All those in favor say ‘aye’.”

Votes on bills in COW are, with certain exceptions, voice votes. The Chairman will listen for the “aye” votes. Then he will say:

“Those opposed, say ‘nay’.”

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The Chairman will listen for the “nay” votes. Assuming the “aye” votes appear to be greater than the “nay” votes, the Chairman will say:

“The ‘ayes’ appear to have it. They do have it. (Sound gavel) So ordered.”

Division

On any voice vote, and prior to the chairman sounding the gavel, any legislator may call for a “division.” A division is a standing count vote of the “ayes” and “nays.” This procedure is used when the voice votes do not indicate a clear preference for or against the bill, or when there is doubt that the Chair made the correct call.

Bills With Amendments

If there are amendments to the bill, the procedure is slightly different. After the sponsor moves the bill, one of the amendments is read. The Chairman then calls on the sponsor of the amendment to explain his amendment and begin debate, not on the bill, but on the amendment. The debate and voice vote procedure is the same as for a bill. Any other amendments are disposed of in this same fashion. If one or more amendments are adopted, the sponsor of the bill will move that the bill “as amended” do pass. The final action is a voice vote on the bill “as amended.”

Defeated Bills

In the Senate if a bill is defeated, Senate Rule (17 H) requires that a roll call vote be taken. This is the only provision for a roll call vote during Committee of the Whole.

If a bill is defeated, it returns to the calendar of the Committee of the Whole — the holding pool of bills. The President can bring the bill back to the active Committee of the Whole calendar, to be debated once more in COW, again and, if necessary, again.

Other Motions

1) The Majority Leader may ask that a particular bill “retain its place on the calendar.” The effect of this motion is to cause the Chairman to temporarily skip the bill; to move the bill to the end of the line of bills to be considered. This motion is used, for example, when last minute amendments are being drafted, or when one side or the other is unsure of the votes for a particular bill.

2) The Majority Leader may move that a bill “be retained on the calendar.” The effect of this motion is to skip the bill entirely; to move it back to the calendar of the Committee of the Whole for selection on some other day.

In both cases, the Chairman will ask for (and almost always receive) unanimous consent to declare the motions passed.

When all bills on the active calendar of the Committee of the Whole have been heard or retained, the Chairman will call on the Majority Leader who will move that “The Committee of the Whole rise and report”. The Chairman will order one final calling of the “ayes” and “nays”. This motion almost always passes and when it does the Committee of the Whole is ended.

The Secretary (or Clerk in the House) will present the COW Chairman with a Committee of the Whole report which he signs.

At this point the President or the Speaker will retake the chair.

Once the Chairman of the Committee of the Whole is back at his desk, the Secretary or Clerk will read the report of the Commit-

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tee of the Whole and the President or Speaker will call on the COW Chairman who will make the following motion:

“Mr. Chairman, I move the report of the Committee of the Whole be adopted, and the bills be properly assigned.” If there is no objection, the presiding officer will “so order”, but oftentimes this is not the case.

We have noted that, except in instances in which a bill fails, there are no recorded roll call votes in Committee of the Whole. However, once back in regular session, and before the report of the Committee of the Whole is adopted, it may suit a legislator’s purpose to force his fellow legislators to declare themselves on one or more bills. He can do this by offering amendments to the Committee of the Whole report, perhaps offering again an amendment that died during the Committee of the Whole debate, and asking for a roll call vote on each amendment. If his motions are carefully worded, he might not change the outcome on any bills, but he can force legislators to go on the record for any or all of the measures considered during Committee of the Whole.

Of 273 bills which appeared on the active Committee of the Whole Calendar in the 1999 session, 9 were held, 251 passed COW, 8 failed, and 5 were retained on the calendar.

Senate Calendar

In the Senate, bills which have passed COW go on the Senate calendar. This is another holding area. From this calendar the President picks the bills he wishes to present to the full Senate for “third reading” (Senate Rule 8 A 4).

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Engrossing

Once a bill has cleared Committee of the Whole it is “engrossed”. During engrossing all amendments are merged with the original bill and a “clean” bill is created. This is so that, on third reading, legislators can read the bill as it has been approved so far without having to hold the original bill in one hand and a sheaf of amendment pages in the other.

Third Reading

At any time after a bill has cleared COW, it is eligible for third reading. When, and if, the bill appears on the calendar for third reading is at the discretion of the President or the Speaker.

When a bill is “third read,” the reader reads the title of the bill and all legislators immediately cast an electronic vote for or against the bill.

Debate is not allowed during voting, but it is permissible to ask permission to “explain one’s vote.” At times, vote explanations can become quite lengthy and can sound suspiciously like debate.

Most Senate bills need 16 votes to pass, regardless of how many Senators are in the chamber at the time of the vote (Arizona Constitution, Article IV, Part 2, Section 15). In the House, the magic number is 31.

If a bill fails to receive enough votes, it is one legislative day from being dead. The only way it can be revived is by a “Motion to Reconsider.”

The exception to the 16 or 31 vote rule is for bills with “Prop 108” or “emergency clauses.” Proposition 108 bills include any

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bills which have language which raises taxes or increases fees. These bills require a 2/3 vote to pass. In the Senate of 30 members, this means 20 votes.

Motion to Reconsider

This is often a final attempt to save a bill which failed in third reading but it can also be used to kill a bill which may have passed in third reading. This tactic is only used when the third read vote was very close and when there is reason to believe that enough votes have been changed (or absent legislators rounded up) to make a difference if the matter is brought up again.

A motion to reconsider must be made on the same or at the latest, the next session day. Additionally, the motion must be made by someone who was on the winning side of the earlier vote.

The form of the motion is as follows: “Mr. President, I move that the Senate reconsider its action whereby it passed (or failed to pass) Senate Bill 1234 on March 15, 1995.”

After debate on the motion, a vote is almost always immediately taken, although in the Senate when to vote on a motion to reconsider is technically at the discretion of the President.

If the motion to reconsider fails, the matter is settled and cannot be further discussed. If the motion to reconsider passes, then the bill returns to the calendar. The time for actual reconsideration is at the discretion of the President. In the House, a member can move to reconsider at a specific time.

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Bills that Pass on Third Reading

These bills have made it through a long road, but their journey is not even half over. Senate bills that pass on third reading are transmitted to the House of Representatives where they must begin much the same process all over again. House bills are transmitted to the Senate where they start over.

Some of the bills will die in the other house. Some will be amended and returned to the originating house. Some may even pass the other house unamended and will be sent back to their house of origin and on to the Governor for signing.

In the 1999 session, 251 Senate bills were eligible for third reading. 239 passed, 5 failed, and 7 were held.

Senate Bill Summary

Following is a summary of the 419 bills introduced in the Senate during 1999:

	<u>Number</u>	<u>Remaining</u>
Introduced	419	
Held in First Read	0	419
Held in Second Read	0	419
Held in Committee	140	279
Held in Rules	6	273
Held on COW calendar	9	264
Retained on COW calendar	5	259
Failed in COW	8	251
Held on Third Read	7	244
Failed on Third Read	5	239
Sent to House	239	

Source: "Summary of Senate Bills, Memorials and Resolutions"

Crossover Week

All Senate bills must clear their committees before Saturday of the week in which the sixtieth day of the session falls (Senate Rule 7 B 9). This is so the Senate has time to Rules, caucus, COW and third read bills which must go over to the House of Representatives.

While the Senate is doing its business, the House is proceeding along essentially similar lines.

During “crossover week,” a week which occurs about 70 days into the session (about mid-March), most other effort comes to a halt as both branches of the legislature ready the last of the bills which have to “cross over” to the other body.

In a sense, this is a week when some legislators can take a breather. They pretty much need it, because another major effort is about to begin.

Consideration of House Bills

All of the bills which successfully passed through the House of Representatives come to the Senate as if they were brand new bills. They go through exactly the same procedure that we discussed for Senate bills. That is, they must be first and second read, they must be assigned to a committee, the committee chairman must elect to hear the bill, the bill must pass through committee, must go through Rules Committee and must be discussed in caucus. The bills must be debated in Committee of the Whole, must pass through there, and must secure a favorable vote on third reading.

At any point in the process bills may drop out, and at any point in the process (up to the final vote) bills may be amended. Amend-

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ments may become numerous at this point in the session because sponsors of bills which have failed or have not been heard earlier will be looking for bills on the same general subject in an attempt to secure a foothold for their failed bill via the amendment process.

Because the House of Representatives has done a “first cut” on the bills, the “held” percentage in committee is usually fairly low. However, this does not necessarily mean that the “pass” percentage is going to be particularly high.

In the 1997 session, the Senate received 385 bills from the House. Disposition of those bills was as follows:

Received from House		385
Held	158	227
Failed on Third Read	10	217
Passed by Senate	217	

Source: “Summary of House Bills, Memorials and Resolutions Received by Senate”

The Conference Committee

Of the 271 bills passed by the Senate, many passed cleanly; that is, without amendments by the Senate. These bills were returned to the House, and then sent to the Governor.

The remaining bills, those that passed the Senate but, because of amendments, were in a different form than they were in when they initially passed the House, were returned to the House. The House, meanwhile, was returning to the Senate bills which they amended.

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Each house now has a choice. They can accept the amendments made by the other body (they can “concur”) or they can object to one or more of the changes. If they “concur”, the bill is voted on, and if passed, sent to the governor. If they do not concur, the bills are sent to conference committees.

With the conference committees the legislature begins its most frenetic phase, but a phase which signals the beginning of the end of the legislative session.

A conference committee starts with the President of the Senate and the Speaker of the House each appointing conference committee members. The original sponsor of the bill is almost always on the conference committee. There are majority and minority members on each committee. The conference committee meets, in public, and attempts to come to agreement on a single version of the bill. If they cannot come to agreement, the bill dies. If agreement is reached, then the agreed version is returned to both houses for a straight “aye” or “nay” vote. No further amendments. If either house votes “nay,” the bill is dead (except for rare instances in which the bill is referred back to conference for another try). If both houses vote “aye,” the bill is passed and is sent to the governor.



Except that, in reality, it oftentimes doesn't quite work the way it was designed to work. First, the minority party members rarely have any say in what happens in conference committee. Second, much of the discussions as to whether or not there is agreement on a compromise version of the bill is done “behind the scenes”. In fact, the conference committee is generally not even scheduled to meet until the kinks are worked out. That's why conference committees with multi-page changes and amendments can last no more than one or two minutes.

Sine Die

When all bills are passed, defeated, or held the business of the legislature is over and the session is adjourned. The term “*sine die*” is Latin for “without a day” or “indefinitely”. Both definitions apply, for the legislature adjourns immediately and will stay adjourned until the following January unless called into special session.

(Despite the Latin origins of the phrase, most legislators translate “*sine die*” into “Let’s get the heck out of here.”)

The Governor’s Desk

The governor has three options for each bill presented : 1) He can sign the bill within five days (10 days if the legislature is adjourned). If he does so, the law takes effect immediately if it was emergency or Proposition 108 legislation; otherwise the law takes effect 90 days after the legislature adjourns.



The Arizona Constitution provides a 90 day period for opponents of a newly signed law to gather enough signatures to put the question of the law on the ballot at the next general election. If they get enough signatures, the new law is put on hold pending the vote of the people. This referendum procedure gives the people ultimate veto power over acts of the legislature.

2) He can refrain from signing the bill, in which case it becomes law without his signature after the five or ten day period.

3) He can veto the bill. If the veto takes place while the legislature is still in session, the bill is returned to the legislature where

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a 2/3 vote of each house (3/4 if emergency or Proposition 108 legislation) is required to override the veto. If the legislature has already adjourned, the bill is dead.

... And, Let's End at the End

Any discussion of the legislative process must end somewhere.

Dawn breaks slowly over the first day in months that the legislature is not in session. It's quiet at the Capitol. Wandering through the Senate building is like prowling the streets of a city in one of those black and white 1950's movies where the earth has been invaded from outer space and mass evacuation has taken place. The floor of the Senate is littered with celebratory confetti; the desks are still covered with last minute agendas and with compromise amendments to final pieces of legislation. Throughout the building wastebaskets are filled to overflowing with soft drink cans, styrofoam coffee cups and bags and wrappers from local fast food restaurants. Here and there office lights are still on — their occupants too interested in leaving to take time to turn them off.

The legislators have gone home.

Only staff members, hard core members of the press corps, and the pigeons remain.

It's the morning after sine die.

And the cycle is already beginning again.

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A Final Word

The road for a proposed new law is long and hard. Not all ideas become bills and all bills certainly do not become law. The process on occasion prevents a good idea from becoming law but it's generally accepted that the process more often prevents bad laws from making it to the statute books.

The way laws are made this year is significantly different from the way laws were made thirty years ago and the current method is probably going to continue to change in the coming years.

More than ever before the people of the State of Arizona are in charge. More than ever before, they are taking an active role in the process. And that's the way it should be.

Appendix A

The Appropriations Process

The biennial budget

For most of the last fifty years, the Arizona legislature has developed a complete budget each year. While the rest of the standing committees heard bills and provided Senate confirmations of board and agency nominees, the Appropriations Committee spent much of the legislative session developing the budget.

Several years ago the Arizona legislature began moving towards biennial, or two year, budgeting. The budget developed in the spring of 1999 was the first totally biennial budget since the 1950's.

The idea behind biennial budgeting was that it took nearly as much time to pass a one year budget as a two year budget. So, if a two year budget could be passed when a Legislature first convenes, the second year of that Legislature would be available for research and study on the various components of the budget.

An interesting budgeting theory. Indeed a number of states use biennial budgeting.

There are drawbacks though. First, every Appropriations Committee has members who do not know much about the budgeting process at the time of their appointment. With an annual budget cycle, these members might struggle through their first year, but by the time of the second budget in the Legislature, they were more knowledgeable. With a biennial budget, the new members must pass on a two year budget -- even though they might know little about the process!

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In a normal one year budget cycle, state departments and agencies begin work in June of the prior year on a budget they must have to the Governor by September so it can be reviewed and proposed to the Legislature in January so it can be enacted and go into effect in July for the subsequent twelve month period. Note, though, that work began a full year before the beginning of the budget; two years before the period marking the end of the budget.

In a biennial budget, it's even worse. For example, agencies began work in June of 1998 for the budget covering the period July 1, 1999 to June 30, 2001. This means forecasting and making assumptions for a period thirty-six months out!

Obviously, not all of these forecasts and assumptions are going to stand the test of time. So, even though we have a biennial budget, the second year of each Legislature is going to continue to have the Appropriations Committee meeting to fine tune the work they did the year before.



It is interesting to note that in recent years, more states have moved from biennial budgeting to annual budgeting than have, as Arizona has, moved from an annual to a biennial budget.

The preliminaries

As mentioned above, work on the budget begins a full year before the budget goes into effect. State agencies are required to submit their budgets by September 1st of each year. To be complete by September 1st, they have to start earlier. Most are already hard at work in June.

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During the late summer and fall months, the budgets are reviewed by the Governor's office. The Governor's Office of Strategic Planning & Budget ("OSPB") takes a lead role. At the same time, our "JLBC", (Joint Legislative Budget Committee) a staff branch of the legislature, is also hard at work coming up with its own budget recommendations. OSPB and JLBC meet and confer throughout the summer and fall. They may form a consensus on some items; or they may not. Very preliminary discussions with House and Senate leadership may take place.

As the weeks pass, the pace of the discussion increases.

Before any serious decisions on spending can be made, the parties must have an idea of how much revenue will be available to actually spend. Using detailed modeling, using input from economists throughout the state, and using super sophisticated "seat of the pants" estimating, revenue projections are created and analyzed by both the executive and the legislature. Ultimately, sooner some years than in others, a consensus revenue number is reached.

The consensus revenue number is very important, because it sets the limits within which the legislature can spend.



It is important to note that all of this meeting, discussing and analyzing is taking place in an election year. The entire Legislature is up for election at during this period, and half the time the Governor's seat is up for grabs. So, our very talented staff people have to do their work not knowing the philosophical direction of the next Legislature!

Eventually the elections are held and the leadership and appropriations chairmen are named. These legislators hold discussions with their respective memberships on the subject of legis-

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lative agendas for the coming session. Some of those legislative agenda items almost always carry price tags. The Governor will also have a legislative agenda with spending priorities attached.

Once again, the House, the Senate and the Governor will discuss legislative agenda items that impact the budget. There will be some common ground and some areas in which differences will remain.

So, with a consensus revenue number, with an understanding of where the agreements and differences are in base expenditure plans and with an understanding of where the agreements and differences are in new spending plans, it is time for the legislative process to begin.

The Appropriations Subcommittees

The mechanics of the budget are pretty simple. Both the House and the Senate appropriations committees maintain three standing subcommittees. Each of the more than one hundred budget units is assigned to one of the three subcommittees. With few exceptions, all members of the full appropriations committees are assigned to one of the three subcommittees.

Once the legislative session gets underway, the three subcommittees meet separately and each subcommittee begins hearing budget testimony on the agencies assigned to it. In most cases, the Appropriations chairman will give a target number to each subcommittee. This target represents the total amount that the subcommittee can budget for the agencies assigned to it. They can take from one, or give to another, but the total must be at or below the target.

The budget for an agency is presented to the subcommittee by someone from OSPB and perhaps by an agency representative. There may or may not be questions. JLBC staff will provide its

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commentary. There may or may not be input from others. Then, its up to the subcommittee to decide on a budget recommendation for the agency.



Even though all of the budget units are assigned to one of the three subcommittees, some of the larger or more controversial budgets may have their hearing with the full Appropriations committee. Then, the subcommittee will meet to actually make the budget recommendation.

Sometimes the subcommittee takes testimony but defers making a decision for a week or so. In most cases, though, the subcommittee will have heard enough to make a budget recommendation.

If the House and the Senate subcommittees are meeting jointly, (as they usually do because it can be a time saving maneuver) one side or the other will make a motion to recommend adoption of a particular budget item, with or without changes. Then the other side will make a motion.

If the motions are identical, the budget for that agency is considered finalized. If the House and the Senate subcommittees differ on their budget recommendations, the differences will have to be reconciled. The reconciliation is generally done by the subcommittee chairmen.

Consider what this means. A very small subcommittee of a full committee of less than half the Senate, meeting with another small subcommittee of the House, can effectively determine the budget for a particular agency. If members not on the subcommittee do not get involved; if they do not make their concerns and wishes known; they are fairly effectively shut out of the budget process. The only avenue left to them is to

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argue in caucus (read “majority caucus”) for any changes they would like to make.

Beyond the Subcommittee

Because the subcommittees are small, it is possible for as few as one or two members philosophically out of tune with the rest of the body, to make major budget adjustments supporting their individual goals. And, as noted above, because some relatively inexperienced legislators invariably end up on the Appropriations committee, they could make honest mistakes in a number of areas. Finally, leadership in both houses have to present a budget to their membership that will earn enough votes to pass muster with a majority of the members.

So, at some time in the session, Senate and House leadership will “pull” the budget process from the Appropriations committee and will complete the process themselves. They will consult with each other and with the governor, and they will consult with members of their respective caucuses. Eventually the three parties will agree on a budget that satisfies the governor and a majority of both the House and the Senate. To formally adopt the budget, a special session of the legislature is called.

The budget special session

It is interesting to note that none of the budget decisions made by the Appropriations Committee during the regular session will actually end up being enacted into law during the regular session.

The special session will last only a short time, usually from one to three days, running concurrently with the regular session. The budget almost always passes without amendments because any amendment could jeopardize the tenuous consensus between the Senate, the House and the Governor.

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Appendix B

About Lobbyists

For most of the general public the word “lobbyist” has a negative connotation. There are mental images of cigar chomping big business or big labor influence peddlers twisting arms and making back room deals - or images of under the table money and plots to punish or reward legislators “in their pocket”.

Through much of Arizona’s history, some of those images may have been true. In extremely rare instances, vestiges may still be in the process of dying out. The last two decades though, highlighted by Azscam, have been a period of change in the role of professional lobbyists and most observers will agree that politics at the capitol has never been cleaner than it is today.

Also, it should be remembered that each of us is represented by dozens of lobbyists whether we know it or not. There are lobbying organizations for the young and for the old, there are lobbyists for landlords who own apartments and for tenants who live in them, there are lobbyists for police and for those who have run afoul of the law.

Indeed, state law requires that anyone giving testimony on a bill, who does not represent himself only, must register with the Secretary of State as a lobbyist. This means that if you appear on behalf of yourself and the neighbors on your block, you are technically a lobbyist and must register. Arizona has some of the strictest rules in the nation concerning lobbyists and those rules help explain why the total number of registered lobbyists exceeds 7,500.

To some involved with the legislative process, lobbyists may be “evil”, but, if so, they are a “necessary evil”. In the final analysis, lobbyists are simply representatives who act on behalf of

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others. Lobbyists from both sides of an issue provide additional information and additional perspectives on the merits of proposed legislation. They are as much a part of the political process as the staff members who provide research and background information to the legislators. In the end, it is often information supplied by lobbyists for both sides which makes the difference in helping the Senator decide how to vote.

For the purpose of this booklet, therefore, the term “lobbyist” includes not only any cigar chomping arm twisters who might still remain, it also includes the retirees, the mothers, the renters, the golfers and hundreds of other everyday citizens who take time from their schedules to testify for or against prospective legislation.

Appendix C

Special Sessions

In addition to the two regular sessions of each legislature, there are also gatherings of the legislature in what are known as “Special Sessions.”

It would be nice if, once the legislature adjourns, it could stay adjourned until the next January. Each year, however, there are needs which cannot wait until the next regular session.

A special session can be called in one of two ways. In Article IV, Part 2, Section 1 of the Arizona Constitution, the legislature can call itself into special session by presenting a petition to the governor which contains the signatures of at least 2/3 of the members of each house. At this type of special session any and all matters may be addressed.

In Article V, Section 4, the Governor is empowered to call the legislature into special session. At this type of special session the legislature can consider only those items specifically mentioned in the Governor’s “call.”

There are no limits to the number of special sessions which can be held. Special sessions can be held during a regular session — in fact a special session can be held while another special session is going on.

The budget of our state is almost always passed during a special session. Because no law can take effect until 90 days after the legislature adjourns, and because in recent years the legislature has adjourned in mid-April, a budget passed during the regular session would not become law until sometime in July. The only problem is, the fiscal year of the state begins on July 1.

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So, during the regular session, all of the work necessary to pass a budget takes place. Then, sometime before March 31st, a special session is called just to pass the budget. The legislature simply moves back and forth between regular session and special session, depending on what they are working on at the moment.



The Constitution permits appropriation bills to go into effect immediately upon signature of the governor, so the 90 day waiting period doesn't apply. But, there are always other bills relating to the budget that do require the 90 day window. That's why the budget is always passed in a special session.

Appendix D

Index and Glossary

Ad hoc committee — an informal committee.

ALIS Online — The Internet service provided by the legislature to make available to the general public most of the paperwork of the legislature. The ALIS Online address is <http://www.azleg.state.az.us>

Amendments — changes to a bill. See pages 40-41.

Bills

Number introduced over time. See page 22.

Summary of 1999 bills. See page 61.

By Request — a caveat to the introduction of a bill by the sponsor. See page 25.

Caucus — a) the members of a particular political party in one branch of the legislature. For example, the Republican Senators are members of their caucus, the Republican House members are members of their caucus, and so on. b) a meeting of caucus members. See pages 50-51.

Committee Chairman, role. See pages 38-40.

Committee of the Whole — a gathering of the Senate at which time bills are debated by the entire body. See pages 51-57.

Conference Committee — a committee consisting of both House and Senate members, convened to reconcile differently amended versions of a bill which has passed in both houses. See pages 63-64.

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Court decisions, and effect on legislation. See page 20.

Engrossing — merging amendments with a bill prior to third or final reading. See page 58.

Final Reading of Bills — Similar to third reading, but applies to bills which have been sent to the Senate from the House.

First Reading of Bills — a largely ceremonial step introducing a bill for the first time to the entire Senate. See pages 34-36.

Hopper — a box in the office of the Senate Secretary into which intro sets are placed when a bill is ready to be filed. See page 33.

Interim — the period between regular sessions of the legislature. See page 16.

Interim Committee — a committee which meets between the adjournment of one session of the legislature and the beginning of another. Interim committees often meet to gather facts and hear testimony. What is learned at these hearings often serves as the basis for proposed legislation for the next legislative session. Most interim committees are also joint committees. See page 17.

Intro Set — paperwork which authorizes a sponsor to file a bill. See pages 29-31.

Joint Committee — a committee which has members of both the Senate and the House of Representatives. Some joint committees also have members of the general public. See page 18.

Legislative Council — a staffing arm of the legislature, primarily charged with the actual drafting of proposed legislation. See pages 27-29.

From Idea to Bill to Law

Pages -- Extremely dedicated young men and women who work incredibly long hours for miserably low pay. They run and fetch, they gopher, they clean up, they sit and wait patiently through interminable debate for the opportunity to serve. We absolutely could not get along without them. Some of the best pages grow up to be chapters.

Reconsider, motion to — a parliamentary maneuver aimed at getting a second chance to vote on a bill. See page 58.

Rules Committee, role. See pages 49-50.

Second Reading of Bills — The step in which newly introduced bills are assigned to a standing committee. See pages 36-37.

Select committee — a committee which has one or more members from the private sector. See page 18.

Senate Calendar — a listing of bills ready for third or final reading. See page 57.

Session — a meeting of the legislature. Each two year legislature has two regular sessions. Each session begins on the second Monday in January and adjourns when its business is done. See also Appendix B.

Session Law — a) a book prepared each year which contains those sections of the Arizona Revised Statutes which were changed as a result of legislation enacted. b) temporary or non-permanent law, such as a law authorizing a study committee of limited duration.

Sine Die — the end of a legislative session. See page 64.

Special Session — See Appendix B.

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Sponsor — a member of the House or the Senate who gives permission to have a bill introduced in his name. See pages 23-25.

Standing Committee — At the beginning of the first year of each new legislature the President of the Senate makes appointments to various standing committees. These appointments are generally for the full length of the two year legislative term. As commonly referred to, standing committees review bills and conduct inquiries as part of the early stages of the legislative process. Technically speaking, special committees are also standing committees. See page 25.

Strike Everything amendment — essentially, replacing one bill with another. See pages 41-42.

Third Reading of Bills — The point at which Senators cast their votes in favor or against a particular bill. See pages 58-59. See also Final Reading.

Vehicle Bill — a bill which acts as a “placeholder” in case an important bill fails. See pages 31-32.