

HOW A BILL BECOMES A LAW

As a child I remember watching Saturday morning cartoons. In an effort to exhibit some level of educational responsibility, ABC included a short 3 minute segment entitled *Scholastic Rock* in between various popular cartoons. This segment offered cartoon characters attempting to teach 7 and 8 year olds something meaningful in a very short time frame. The only one in which I feel they were somewhat successful (as it is the only one I remember) was the segment on how a bill becomes a law. This segment had a cartoon "Bill" singing about sitting on capitol hill wanting to become a law. Considering my current profession it is possible that this short 3 minute cartoon influenced me beyond anything that ABC or Scholastic Rock ever intended, or I just remember a short clever cartoon with a catchy jingle. Either way the mechanics of bill passage based on Scholastic Rock's version or my 18 years of legislative experience are actually pretty straight forward.

This is an overview of our state legislative system. The federal system differs somewhat although, the distinctions are more mechanical than substantive.

An idea for a change or an addition to a law is suggested. These ideas come from constituents, business groups, charity organizations, governmental entities and even elected officials. Once an idea is presented to an elected official and the official agrees with the concept, the rough language is sent to the Legislative Council. These are professional bill drafters who do nothing but write legislation. Think of the old paintings of scribes sitting at desks with quill pens and you have the image. The language returns from the legislative council in the form of a bill draft and is submitted by the author (Representative or Senator) and is given a number with the prefix HB or SB depending on the House of origin. Identical bills are often filed in both Houses to speed up the process.

For a bill to be passed by either House it must be read on 3 separate days. The first "reading" is the bill's introduction and reference to committee. This is an almost identical process in both the House and Senate. Once the bill has been referred to committee it must have a hearing within that committee. Again this is true in both bodies. The committee hearing is where the real work usually occurs. The bill is discussed, witnesses testify either for the bill, against the bill or even as neutral on the bill. This is also where state agency experts often testify on how the bill can impact the state if passed. The bill is often changed to answer unexpected questions or concerns. These changes occur in the form of amendments or in some cases complete bill substitutes. Once the bill has been changed to the satisfaction of the committee a vote is taken on whether the bill should be passed out of committee. A bill can only pass with a majority of favorable votes, ties don't count. At this point the process changes between the House and the Senate. In the House the bill is sent to the Calendars committee. This committee determines when and if the bill should be placed on the House Calender for consideration by the entire House.

After the bill is placed on the House Calendar it is taken up by the membership of the House. The bill author lays the bill out and explains its implications. Members are given an opportunity to ask questions and also submit changes or amendments to the bill. These changes are discussed and approved or disapproved one at a time. With some bills this process can be lengthy. Once all the amendments are considered, a vote is taken and the bill either passes or fails the 2nd reading. As stated earlier the bill must be heard on 3 separate days. For the bill to be considered the 3rd time or "3rd reading" another day must pass. On the following day the bill comes up for 3rd reading and final

passage. Since most of the discussion has already occurred during the 2nd reading this reading is mostly mechanical although there can be amendments during this reading as well.

The bill can only pass with a favorable majority, just like in committee. Ties don't count. If the bill passes on 3rd reading it is sent to the Senate and the process begins all over again. In our bicameral form of government a bill must pass both houses to be approved and signed by the Governor.

The Senate is different when the bill is voted out of committee. The Senate has no calendar committee, instead the bill is automatically placed on the Senate Intent calendar and is eligible to be heard on the Senate floor within a few days. What makes the Senate different is the Lt. Governor has to recognize the Senator on the bill for it to be heard. That is one of the reasons the Lt. Governor is often considered to be the most powerful elected official in Texas. There is nothing that compels the Lt. Governor to recognize the Senator on any particular bill. It is between the Senator and the Lt. Governor. Plenty of bills die on the Senate Intent calendar never to be heard from again. (Senate and House bills!)

Another unique rule within the Senate that should be mentioned is the 11 vote rule. The constitution requires that an affirmative vote of 2/3rds of the Senate is necessary to bring a bill up for consideration (this is after the Lt. Governor has recognized the author). Our Senate has 31 members. To achieve this 2/3rds vote a Senator must have at least 21 senators vote in favor of bringing the bill up for consideration. If 11 senators agree that the bill should not be considered the bill dies for lack of enough votes to suspend the constitutional rule. As you can see, Senators are very important. It is often said that 11 steadfast Senators can control the world.

Once the Senator is recognized and is able to suspend the constitutional rule to consider the bill, they discuss the bill just like the House. There can be amendments suggested and discussed. After these considerations the bill is passed on 2nd reading. Usually the Senate rules are suspended and they pass the bill on to third reading and final passage. Simple majorities are required on these votes. At this point if it is a Senate bill it goes to the House and proceeds through the same process all over. If it is a House bill and there were no Senate changes it can then be sent to the Governor for his consideration and signature. If there are changes it goes back to the House for further consideration. If the House agrees with the Senate changes they can "concur with Senate amendments" or if they don't agree they can ask for the appointment of a conference committee. This committee of House and Senate members sits down, works out a compromise and then the bill goes back to both bodies for yet another vote. If a majority in both Houses agree with the suggested compromise than the bill can be sent to the Governor for his consideration and signature.

Senate bills in the House endure the same process.

After all of this the Governor can agree and sign the bill or veto the bill if he has problems with it.

As you can see passing a bill is extremely difficult. There are lots of opportunities for things to go wrong or in some cases change the bill completely.