

How does a Bill become a Law?

There are a few major steps of the legislative process that a bill must go through before it is enacted into law.

Bills may be introduced in either house of the Legislature. Senate bills are filed with the Secretary of the Senate and House bills with the Clerk of the House. Upon introduction, bills are assigned a number. At the beginning of each biennial session, House bills are numbered consecutively starting with House Bill No. 4001 and Senate bills are numbered starting with Senate Bill No. 1. In both houses, joint resolutions are assigned a letter.

Title Reading

Under the State Constitution, every bill must be read three times before it may be passed. The courts have held, however, that this requirement can be satisfied by reading the bill's title. Upon introduction, the bill's title is read a first and second time in the Senate and is read once in the House. The bill is then ordered to be printed. A bill cannot be passed or become law until it has been printed or reproduced and in the possession of each house for at least five days.

Referral to Committee

Upon introduction, a bill is also referred to a standing committee in the Senate by the Majority Leader and in the House of Representatives by the Speaker of the House. All bills involving an appropriation must be referred either directly to the appropriations committee or to an appropriate standing committee and then to the appropriations committee.

Committee Review

Committee members consider a bill by discussing and debating the bill. The committee may also hold public hearings on the bill.

Committee Action

A standing committee may act on a bill in various ways. The committee may:

- a. Report the bill with favorable recommendation.
- b. Report the bill with amendments with favorable recommendation.
- c. Report a substitute bill in place of the original bill.
- d. Report the bill without recommendation.
- e. Report the bill with amendments but without recommendation.
- f. Report the bill with the recommendation that the bill be referred to another committee.
- g. Take no action on a bill.
- h. Vote to not report a bill out of committee.

In the cases of d and e, the bill, upon being reported from committee, is tabled on the floor (temporarily removed from consideration). A majority vote of the members present and voting in the house where the bill is tabled is required to remove the bill from the table before it may be given further consideration.

In both houses, a majority vote of the members serving on a committee is necessary to report a bill. If a committee fails to report a bill, a motion to discharge the committee from consideration of the bill may be offered in the house having possession of the bill. If this motion is approved by a vote of a majority of the members elected and serving, the bill is then placed in position on the calendar for floor action. In the House, at least a one-day prior notice of the motion to discharge must be given to the Clerk of the House.

Committee Reports

If a bill is reported from committee favorably with or without amendment or in the form of a substitute bill, the committee report is printed in the journal under the order of business entitled "Reports of Standing Committees" in the House. On being reported favorably from committee, the bill and recommended committee amendments (if any) are placed on the order of "General Orders" in the Senate. In the House, the bill and amendments are referred to the order of "Second Reading."

General Orders or Second Reading

For the purpose of considering the standing committee recommendations on a bill, the Senate resolves itself into the Committee of the Whole and the House assumes the order of Second Reading. Amendments to the bill maybe offered by any member when the bill is being considered at this stage of the legislative process. In the Senate, a simple majority of members present and voting may recommend adoption of amendments to the bill and recommend a bill be advanced to Third Reading. In the House, amendments may be adopted by a majority serving, and a majority voting may advance the bill to Third Reading. In the House, a bill may be placed on Third Reading for a specified date.

Third Reading

While there are provisions in the House Rules and the Senate Rules for reading bills unless exception is made, in practice, bills are not read in full in either chamber. In both houses, amendments must be approved by a majority vote of the members serving and the previous question maybe moved and debate cut off by a vote of a majority of the members present and voting. At the conclusion of Third Reading, the bill is either passed or defeated by a roll call vote of the majority of the members elected and serving (pursuant to the State Constitution, approval of certain measures requires a "super majority" of a two-thirds or three-fourths vote) or one of the following four options is exercised to delay final action on the bill: (a) the bill is returned to committee for further consideration; (b) consideration of the bill is postponed indefinitely; (c) consideration is postponed until a certain date; or (d) the bill is tabled.

Following either passage or defeat of a bill, a legislator may move for reconsideration of the vote by which the bill was passed or defeated. (A motion to reconsider can be made for any question.) In the Senate, the motion for reconsideration must be made within the following two session days; in the House, the motion must be made within the next succeeding session day.

Five-Day Rule

No bill can become law at any regular session of the Legislature until it has been printed and reproduced and in the possession of each house for at least five days. (Constitution, Art. IV, Sec. 26.)

Immediate Effect

No act shall take effect until the expiration of 90 days from the end of the session at which the measure was enacted. The Legislature may give immediate effect to an act by a two-thirds vote of the members elected and serving in each house. (Constitution, Art. IV, Sec. 27.)

Enactment by the Legislature

If a bill passes, it is sent to the other house of the Legislature where the bill follows the procedure outlined above, resulting in defeat or passage.

If a bill is passed by both houses in identical form, the bill is ordered enrolled by the house in which the bill originated. Following enrollment and printing, the bill is sent to the Governor.

If a bill is passed in a different form by the second house, the bill must be returned to the house of origin and one of the following occurs:

a. If the amendment(s) or substitute bill of the second house is accepted in the house of origin, the bill is enrolled, printed, and sent to the Governor. It should also be noted that either house may amend an amendment made by the other to a bill or joint resolution. At any time while in possession of the bill, either house may recede from its position in whole or in part and the bill may be returned to the other house for this purpose. If this further action is agreed to by both houses, the bill is ordered enrolled.

b. If the amendment(s) or substitute proposal of the second house is rejected in the house of origin, the bill is then sent to a conference committee (a special committee composed of three legislators from each house) which attempts to compromise differences between the two versions of the bill. The conference committee can consider only issues in the bill upon which there is disagreement between the two houses. However, when the agreement arrived at by the conferees is such that it affects other parts of the bill, such as in an appropriations measure, the conferees may recommend further amendments to conform with the agreement. The conferees may also recommend corrections to any errors in the bill. The conference committee may reach a compromise approved by at least a majority of the conferees from each house, and submit a report to the house of origin. If adopted, the report and bill are transmitted to the second house. If the conference committee report is approved in the second house, the bill is then enrolled, printed, and sent to the Governor. A conference report may not be amended by either house. If the conference committee is notable to agree, or if the report is rejected by either house, a second conference committee is appointed. When a second conference has met and the two houses are still unable to agree, no further conference is in order.

Approval by Governor

Upon receipt of an enrolled bill, the Governor has fourteen days to consider the bill. The Governor may:

- a. Sign the bill, which then either becomes law at the expiration of ninety days after the Legislature adjourns sine die or on a date beyond the ninetieth day specified in the bill. If the bill has been given immediate effect by a two-thirds vote of the members elected to and serving in each house, the bill will become law after the Governor signs the bill and files it with the Secretary of State or on a day specified in the bill.
- b. Veto the bill and return it to the house of origin with a message stating the Governor's objections.
- c. Choose not to sign or veto the bill. If the bill is neither signed nor vetoed, the bill becomes law fourteen days after having reached the Governor's desk if the Legislature is in session or in recess. If the Legislature should adjourn sine die before the end of the fourteen days, the unsigned bill does not become law. If the Legislature has adjourned by the time the bill reaches the Governor, he or she has fourteen days to consider the bill. If the Governor fails to approve the bill, it does not become law.

Legislative Veto Response

If the Governor vetoes a bill while the Legislature is in session or recess, one of the following actions may occur:

- a. The Legislature may override the veto by a two-thirds vote of the members elected to and serving in each house. The bill then becomes law.
- b. The bill may not receive the necessary two-thirds vote and thus the attempt to override the veto will fail.
- c. The bill may be tabled.
- d. The bill may be re-referred to a committee.