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# LEGISLATIVE PROCESS 101

## *UNDERSTANDING THE STATE LEGISLATIVE PROCESS\**



### **How a Bill Becomes Law**

There are many variations in the state legislative process across the United States. Most follow the basic process established by the U.S. Congress, except Nebraska which has a unicameral (one chamber) organization. Unlike the federal legislature, many state legislatures are part-time bodies that adhere to strict deadlines to keep business moving.

To navigate the legislative process successfully, a bill must be introduced by a specific date, pass through committee by a specific date, and pass its chamber of origin by a certain date (and repeat the process in the opposite chamber). This process culminates in the ultimate deadline – adjournment of the state legislature. Timing varies widely – from 60 or 90-day sessions in Georgia and Virginia to full-time legislatures in Ohio, California, and Pennsylvania. Most states convene in January and adjourn between April and June.

As with the federal process, psychologists can influence the state legislative process on behalf of children and families.

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\* This information was taken from the ASLA (*American Society of Landscape Architects*) website with permission ([www.asla.org/govtaffairs/licensure/advocakit.html](http://www.asla.org/govtaffairs/licensure/advocakit.html))

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## State Legislative Successes



Dr. Joseph Mahoney, Associate Professor of Psychology at Yale University, testified to the Education Committee in the State of Connecticut on March 13, 2006 in support of the *After School Program Bill*. Dr. Mahoney was responsible for an evaluation of after-school programs in the city of Bridgeport, CT to understand how they relate to children's academic performance, physical safety, and emotional well-being.

The findings of the study presented by Dr. Mahoney included documented increases in academic achievement when compared to other types of after-school care, including significant reading gains. In addition, there was less observance of behavioral problems in children in after-school programs, compared to those who did not attend such programs. Finally, Dr. Mahoney reported that children in after-school programs showed a less marked increase in body mass and lower rates of clinical obesity than children who did not participate in such programs.

This bill, passed by the legislature, included final recommended funding for after-school programs of \$4.1 million. Although this was less than the proposed \$5 million, it was significantly greater than the \$100,000 from the past year. In addition, this legislation also extended support to include an additional \$500,000 to the Department of Education for administrative costs and to establish evaluation measures.

Example provided by Dr. Joseph Mahoney, Associate Professor of Psychology, Yale University, May 31, 2006.

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## INTRODUCING A BILL

Anyone may draft a bill; however, only members of the legislature can introduce legislation, and by doing so become the sponsor. In some states, the Governor and/or executive agencies can introduce legislation. The official legislative process begins when a bill or resolution is numbered. The majority of states refer to their legislation with the prefix ‘H.B.’ for bills introduced in the House, and ‘S.B.’ for bills introduced in the Senate, but there are variations of this system (e.g., A.B., H.F., S.F.). *Deadline: Some states require that legislation be introduced before a specific date. A waiver of that rule will be necessary to introduce legislation after the deadline.*

## COMMITTEE ACTION

With few exceptions, bills are referred to committees in the House or Senate according to carefully delineated rules of procedure.

The ways committees operate vary widely across the country. Some states will require that every bill be considered by the committee. A bill can be referred to a subcommittee or considered by the committee as a whole. In committee, a bill is examined carefully and its chances for passage are determined. Inaction is the equivalent of killing legislation. Some states will require that committees act on legislation before a certain date. If a bill does not receive action before that date, it will not receive further action.

## COMMITTEE HEARINGS

Hearings can take place at the subcommittee and/or committee level. They provide the opportunity to put on the record the views of the executive branch, experts, other public officials, supporters and opponents of the legislation. Testimony can be given in person or submitted as a written statement. Often a written statement contains more detailed information than oral testimony.

**ANYONE MAY DRAFT A BILL; HOWEVER, ONLY MEMBERS OF THE LEGISLATURE CAN INTRODUCE LEGISLATION, AND BY DOING SO BECOME A SPONSOR.**

## AMENDMENTS COMMITTEE ACTION TO REPORT A BILL

State legislatures rarely have as formal a process as the U.S. Congress for marking up a bill and reporting it to the floor. In some cases, amendments may be considered and votes will be taken on the same day as the hearing. In others, revisions and voting will occur at a subsequent committee meeting. If the work has been done by a subcommittee, and the subcommittee reports the bill, the full committee may hold hearings or accept the recommendation of the subcommittee. The full committee then votes on its recommendation to the House or Senate. There are states that require all bills to be reported out of committee.

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## The California Psychological Association

*The California Psychological Association (CPA) is an example of a politically active state psychological organization.* CPA has a strong presence in the legislature, including presenting research results at the Capitol on various topics and sponsoring bills as needed, typically from two to four per session. In addition, CPA engages in OPPOSE and SUPPORT positions on many bills and provides information regarding this, as well as bills to WATCH on their website.

[\(http://www.calpsychlink.org/\)](http://www.calpsychlink.org/)

One example of a piece of legislation that CPA lobbied for is the Violent Video Games bill (AB 1179), introduced by Assemblyman Leland Yee, who is himself a doctoral level child psychologist. This bill, similar in content to the federal CAMRA Act referenced earlier, was signed into law in the State of California on October 7, 2005. This legislation prohibits the sale, rental or distribution of violent video games to minors because of the psychological harm and the resulting behavioral changes of children exposed to such material.

CPA's role in the passage of this legislation was significant and included attending press conferences put on by Assemblyman Yee, as well as testifying in numerous committee hearings and meeting with representatives of the entertainment and retail industries opposed to the legislation.

Currently, CPA is supporting legislation that increases awareness and provides education to pregnant women and new mothers on postpartum, mood, and anxiety disorders (AB 2317). The bill which would have the Department of Health Services convene a work group and submit recommendations relating to the implementation of the campaign for these concerns, was vetoed by the governor, but will likely return in a different form.

Also of a legislative nature, APA research was used in support of Senate Joint Resolution (SJR) 29. This resolution called upon the President of the United States and Congress to take action in regard to responsible advertising of food and beverages to children and to encourage the industry to voluntarily adhere to a code of practice.

Information provided by Amanda Levy, Deputy Director of Government Affairs, California Psychological Association, June 15, 2006.

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An unfavorable recommendation will kill the legislation. Some states require that legislation must be reported from committee by a specific date. Legislation that remains in committee will not be eligible for further consideration.

### **SCHEDULING FLOOR ACTION**

After a bill is reported back to the chamber where it originated, it is placed on the calendar. The procedures for floor action differ widely among the state legislatures. The procedure can be very formal, with the bills placed on and considered from the calendar chronologically. In other states, the leader of the majority party (Speaker, Senate President, Majority leader) will wield strong power to set the calendar and choose the order to consider bills from the calendar. Some states require that a bill be passed by its house-of-origin by a specific date. Failure to meet this deadline will stop the bill from progressing any further.

### **DEBATING AND VOTING**

When a bill reaches the floor of the House or Senate, rules or procedures govern the debate on legislation. These rules determine the conditions and amount of time allocated for general debate. After the debate and the approval of any amendments, the bill is passed or defeated by the members voting.

### **REFERRAL TO OTHER CHAMBER**

With the exception of the unicameral legislature in Nebraska, when a bill is passed by the House or the Senate it is referred to the other chamber where it usually follows the same route through committee and floor action. The second chamber may approve the bill as received, reject it, ignore it, or change it. For states that have followed the deadlines listed above, it is likely that there will be similar deadlines for legislation in the opposite chamber.



**SOME STATES REQUIRE THAT A BILL BE PASSED BY ITS HOUSE-OF-ORIGIN BY A SPECIFIC DATE.**

### **CONCURRENCE AND CONFERENCE COMMITTEE ACTION**

If any changes are made to a bill by the other chamber, the legislation will go back to the first chamber for concurrence. When the two chambers cannot agree on the changes, a conference committee is formed to reconcile the differences between the House and Senate versions. If the conferees are unable to reach agreement, the legislation dies. If agreement is reached, a conference report is prepared describing the compromise, and the House and the Senate must approve the conference report.

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## FINAL ACTION

After a bill has been approved by both the House and Senate in identical form, it is sent to the Governor. The subsequent process, as well as the timing, varies among states. If the Governor approves of the legislation he or she signs it and it becomes law. Check with your state constitution to determine what may happen if the Governor does not sign the legislation. In some cases, it will become law without a signature, while in others, it is a pocket veto, and the bill will not become law unless overridden by the legislature. If the Governor opposes the bill, he or she can veto it; and the bill dies unless the legislature overrides the veto.

## OVERRIDING A VETO

The state constitutions have varying rules for overriding a Governor's veto, usually contingent on whether the legislature is in session. Usually, the legislature must approve legislation by a two-thirds vote of both houses to override a veto.

To learn more about the legislative process in your state, we suggest that you access your state's legislative website which will probably include a section that explains how a bill becomes a law in that state.

### **The National Conference of State**

**Legislatures** has more information on the state legislative process and related issues, as well as good background information on state legislative trends and statistics.

<http://www.ncsl.org/>

Other websites of interest include:

### **State and Local Government on the Net**

provides links to all 50 states and U.S. territories, with connections to legislative websites as well as executive branch and local websites.

<http://www.statelocalgov.net/>

### **Full-text State Statutes and Legislation on the**

**Internet** provides links to each state's constitution, statutes, and regulations if available on the internet.

<http://www.prairienet.org/~scruffy/f.htm>

## Philadelphia Citizens for Children & Youth: Local Advocacy



In Philadelphia, the City of Brotherly Love, the *Philadelphia Citizens for Children and Youth* (PCCY; [www.pccy.org](http://www.pccy.org)) is an advocacy and public policy organization dedicated to improving the lives of children both locally and state-wide. Founded in 1980, PCCY recruits the expertise of psychologists and other professionals to support its efforts. PCCY has worked diligently to educate local and state officials regarding infant mental health. At a ***Zero to Three: Mental Health Symposium***, PCCY presented information on the growing trend of young children being expelled from child care programs. Presentations included subject matter information, current prevention strategies in place locally, and efforts at drafting legislation. In the state

*It is our responsibility to educate others regarding children's mental health issues. Even within the psychological profession, there was a time not-so-long-ago when depression in children was not recognized. Even more recently, the importance of infant mental health and the relationship to caregiver attachments has been highlighted.*

agency arena, the Deputy Secretary in the Office of Child Development spoke on plans to develop support for young children. This information was used by participants working in small groups, led by other advocacy organizations and the Office of Behavioral Health representatives in the City of Philadelphia, to develop strategies for promoting infant mental health.

In the legislative arena, PCCY had brought this issue to gubernatorial candidates for response, and provided testimony to the Philadelphia City Council. In addition, continued efforts are made to bring this information to the public through the PCCY website, newsletters, letter writing campaigns, and fundraisers.

Example provided by Amber West, Ph.D., Board of Directors, Philadelphia Citizens for Children and Youth.