

HOW THE LEGISLATURE **REALLY** WORKS AKA – HOW BILLS BECOME LAWS

What we learned in High School or College is coded in this font.

When the Legislative Session begins in January:

First, the Speaker of the House and the President of the Senate have a renewal of commitment from the majority party to the Speaker and the President.

Then those two leaders either affirm or change their Committee Chairs according to the past level of commitment to the Speaker or the President.

At those December meetings, the Speaker and the President outline what they want to pass and what they have no desire to be heard. A bill that has the label, no desire to be heard by the Speaker or the President, dies before it is written.

It is our understanding that the excuse used to deny a COLA in 2022 was decided upon in these sessions. The origin of "we cannot give KPERS a COLA because defined benefit plans don't have a COLA" was this very meeting prior to the session. Representative Landwehr was apparently the one designated to deliver this message as Ernie witnessed her deliver this misinformation on the floor of the House and before the Appropriations Committee.

Some chairs change the minds of their leader during the session, but more than one Committee Chair has been replaced for having a hearing that their leader did not want to see the light of day.

During the session, the Chairs and their Leaders meet weekly to decide what is to be heard and what is not to be heard.

A bill is introduced in one house. (This font coding illustrates what you and I learned about how the legislature works in our high school or college government classes.)

The bill is introduced in the appropriate committee. If the committee approves, it receives an official number. Most committees will allow a bill to be introduced. Rarely is a bill rejected, but it does happen depending on the issue.

The Committee Chair then decides whether to hear a bill. If it is decided not to hear the bill, for the most part, it is dead at this point. Sometimes a bill can be added as an amendment at a later stage in the legislative process, but that is difficult to do with the current legislature. Many times the Committee Chair has received their marching orders from their leadership group and further action is a moot point.

If a bill is heard in committee, then the Committee Chair decides whether to 'work the bill' and have an up or down committee vote. **(There is no guarantee that if a bill is 'heard' that the bill will be 'worked'.)**

Some bills may receive a number and no hearing. They become a vehicle for the committee to use to insert another bill into the original bill for the purposes of the Committee Chair.

A bill may receive a hearing and be defeated in committee. For all real purposes, the bill is dead at that point.

If the bill is 'passed out by the initial committee, it goes to the floor. The leadership may decide to place the bill on the calendar of the Chamber of Origin. If this is decided upon, the leadership must also agree to put the bill 'above the line.'

(Certain bills are brought up for a hearing by the entire chamber. It is brought into play by the Speaker or the President by bringing that bill above the line for consideration. A bill can die below the line by not receiving consideration by the full chamber.)

At this point, a motion may be made to allow a motion to vote on the bill. If it passes out of the Chamber or origin, it goes to the second house.

(A bill must be voted on twice to move to the opposite chamber. A bill is voted on by the entire body and then confirmed by a vote called Final Action. Without both votes being positive, the bill is basically dead.)

If the bill passes on the floor of the initial Chamber, it goes to the other house. If the bill passes there, if this Chamber agrees with the first Chamber, the bill passes.

Once the bill leaves the Chamber of Origin, the bill is sent to the opposite Chamber and the entire process of passing the bill begins anew in the opposite chamber. The bill is assigned to a committee. The leadership and the Committee Chair decide whether the bill will receive a hearing. There is no guarantee that the bill will be heard in the opposite chamber just because it passed the chamber of origin.

If the bill is heard in committee, 'worked' in committee, and passed out of committee, it goes on the calendar. Leadership will decide what bills will be heard by the entire Chamber and which ones will die below the line and which bills will be used for a 'gut and go' and the contents of a new bill placed into the old bill with the original contents stripped out.

Bills passed by both Chambers will usually go to a Conference Committee between the two Chambers. These Conference Committees can happen at any moment and after the required announcement the Conference Committee meets and hammers out the differences. ***(There is a lot of behind-the-scenes work by leadership during this time. What the bill looks like coming out of the Conference Committee can be somewhat different from the bill that went into the committee.)***

The bill then goes to the Governor with the option to veto, sign or allow it to become law w/o a signature.

If it is vetoed, must then pass in both chambers over the veto with a 2/3 majority, or the veto will stand.

This explanation was compiled by Ernie Claudel with assistance from Terry Forsyth. May2023