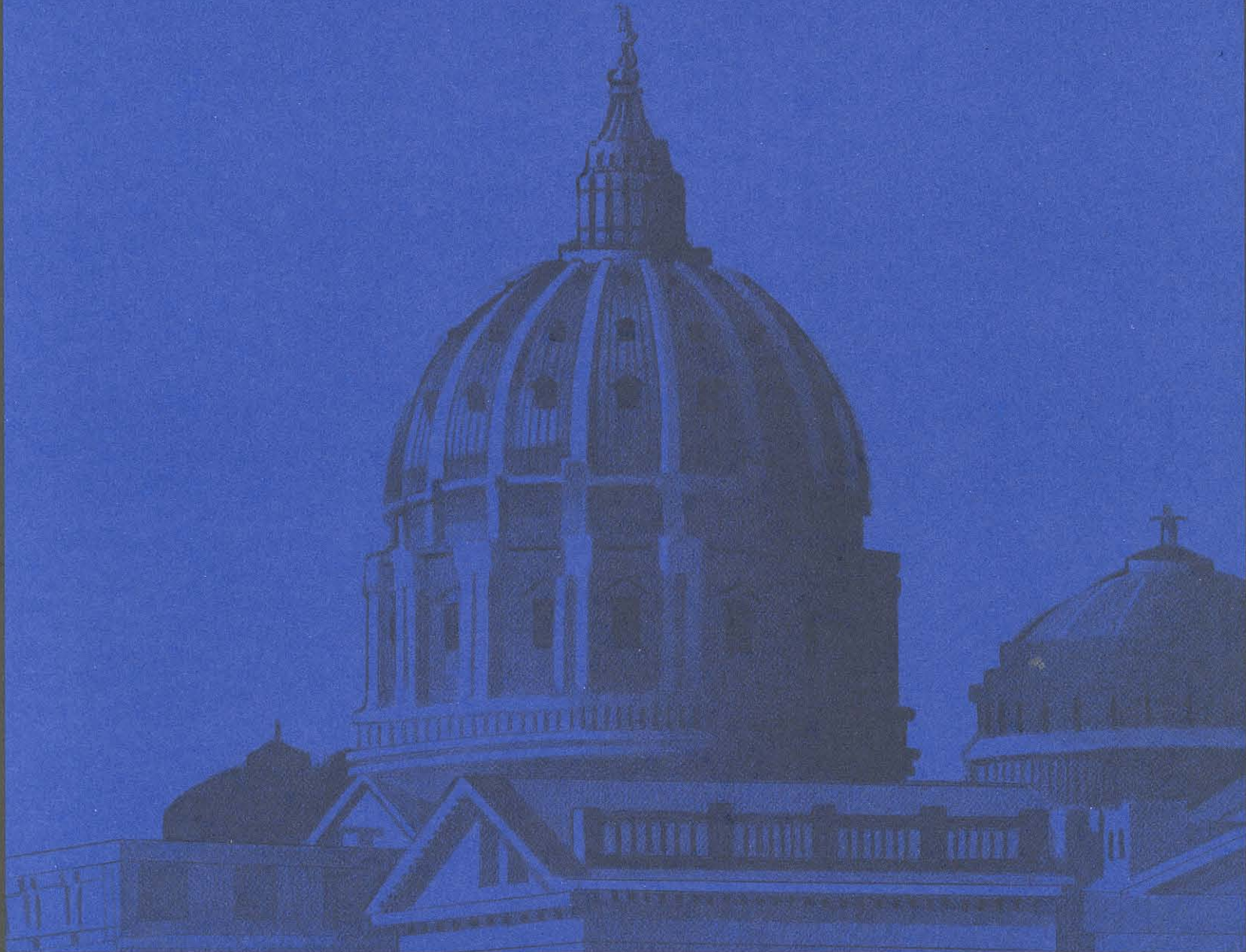


# Making Law

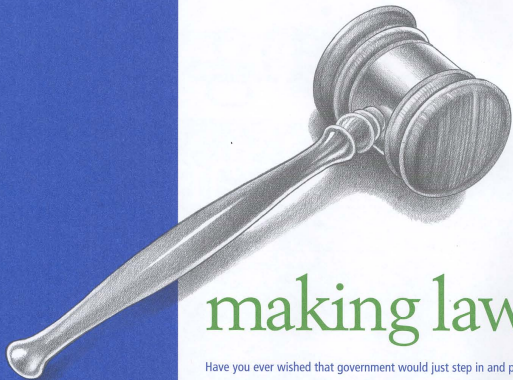
# Pennsylvania



LEGISLATION IN THE PA HOUSE OF REPRESENTATIVES



COMMONWEALTH OF PENNSYLVANIA HOUSE OF REPRESENTATIVES



## making law

Have you ever wished that government would just step in and pass a law to correct some situation you find totally unacceptable? Fortunately for all of us, it's not that simple.

Making law in Pennsylvania is a meticulous process—and for good reason. State laws influence our environment, economy, education, our families, our health, and virtually every aspect of our daily lives, now and for generations to come. To make new laws or change those already on the books, lawmakers follow time-honored constitutional procedures. On the following pages, you'll see how a legislative system developed centuries ago still works today, both for lawmakers and the Pennsylvanians who send them to Harrisburg. Then, the next time you wish your legislators would just "lay down the law," you'll have a good idea of what it takes to make that happen.

"There oughta be a law!"

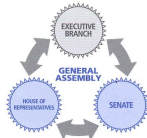
Imagine studying thousands of subjects and developing an informed opinion about each one. That is exactly what legislators in the Pennsylvania General Assembly do every term as they consider and vote on proposals that may become law for all Pennsylvania citizens. State representatives and senators perform other services for those who elect them to office, but none are more important than lawmaking.

There are many steps in the legislative process, and it can look complex on the surface. Actually, the sequence of turning a good idea into law is quite straightforward, moving in deliberate steps, but at a cautious pace. The founders of our state planned it that way. As former subjects of a king, they knew that a fair society is impossible when a single group or individual can act without restraint to make law for everyone else. They were determined that no one would have the power to create law alone or on impulse and they filled the Pennsylvania Constitution with safeguards to prevent it. Thanks to the vision of our first legislators, making law in Pennsylvania today requires responsible collaboration by many individuals—elected to represent the interests of thousands more.

### A Balance of Power

The Pennsylvania Constitution placed a fundamental check on legislative power by creating two bodies which must cooperate to make law—the House of Representatives and the Senate. Together, they form the General Assembly, with 50 legislators in the Senate and 203 Representatives in the House.

Each body must approve the lawmaking actions of the other—or else work out compromises through **amendments** to proposed laws. Even then, the General Assembly can enact law only with the participation of the Governor, who heads the Executive Branch. The Governor can reject a proposed law by using a veto; however, the General Assembly can override the veto if it has enough votes. In this way, power is evenly distributed, or balanced, between the House and the Senate and between the General Assembly and the Executive Branch. These constitutional safeguards are some of the famous "checks and balances" you probably first learned about in school.



### AMENDMENTS

Changes to specific portions of a proposed law. Amendments may be offered in committees or on the House Floor.

### Who's the Boss?

*You are.* Along with every Pennsylvanian represented by a legislator. According to the Constitution, the people of Pennsylvania select representatives and senators to act on our behalf with the condition that they answer directly to the citizens who elected them. That happens in the voting booth. Exercising control through our votes is another check on runaway power. Legislators must earn our approval while in office—two-year terms for representatives, four-year terms for state senators. During that period, we expect them to represent our best interests every time they consider a proposed law. How well legislators meet our expectations determines whether they remain in office at the end of their terms or are replaced by candidates who voters believe will do a better job.

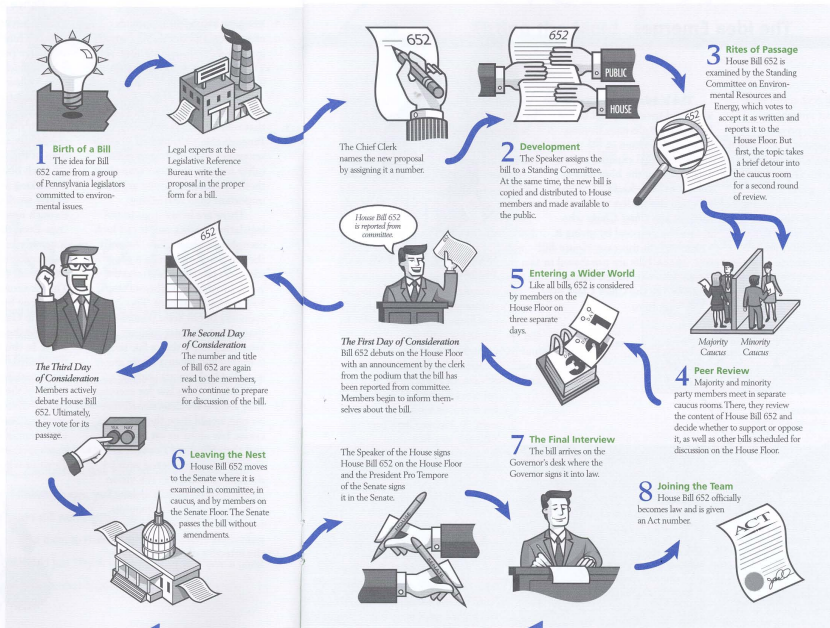


a formidable responsibility

# The Life Cycle of Fictional House Bill 652

## The unit of lawmaking is the "bill."

A bill is the written version of an idea which legislators consider as a new law or a change to an existing law. From its first appearance in print, every House or Senate bill travels the same precarious course to the moment it becomes law—or goes down to the agony of defeat. On the next few pages, we'll examine that course and its optional twists and turns as we follow the life cycle of fictional House Bill 652.



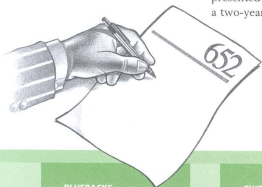
# biography of a bill

# 1 birth

## The Idea Emerges

The idea for Bill 652 could have come from almost anywhere—individual legislators, private citizens or organizations, the Governor, or from bills considered in the past. Ideas for laws can be sparked by federal government regulations or some ruling of the courts. Our sample House Bill 652 was proposed, or sponsored, by a group of representatives who share an interest in environmental issues.

The legislators sponsoring the idea send their proposal to the Legislative Reference Bureau, where it is written in the proper format by legal experts, copied, and placed in the blue folders known as “bluebacks.” The sponsors sign the folders and send them to the *Chief Clerk*, who names the proposal by giving it a number—in this case, House Bill 652. House bills are numbered in the sequence in which they are presented to the Chief Clerk over a two-year term.



### BLUEBACKS

The name and color of the cover for a legislator's proposal. After a blueback is duplicated for distribution to all members, it is known as a bill.

### CHIEF CLERK

The Chief Clerk is responsible for day-to-day operations of the House. The Chief Clerk also convenes the House to elect the Speaker and supervises the printing of all bills and journals.



### Legislative Reference Bureau

Before the Legislative Reference Bureau (LRB) was formed in 1909, bill-writing was far less efficient. Lawmakers asked House or Senate clerks to write up their bills, hired private attorneys to do it for them, or wrote their own. As House Clerk for fifteen years, Benjamin Franklin quietly wrote many bills for members, submitting a few ideas of his own under their names.

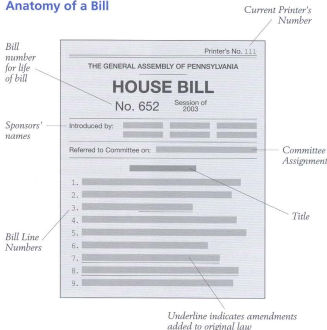
Today, the non-partisan LRB is the sole bill-drafter and publisher of laws for the House and the Senate. It is also one of the busiest legal offices in Pennsylvania. In any two-year session, the bureau prepares about 70 million pages of bills, amendments, resolutions, and citations, along with weekly bill summaries.

# 2 development

## Fitting the Mold

During this stage, bluebacks mature into bills and multiply. The *Speaker of the House* initials a blueback copy of House Bill 652 and assigns it to a committee for review. The Speaker reports that assignment on the Floor of the House at the next day's session. Before the blueback goes to committee, however, it returns to the Legislative Reference Bureau to be made into an official bill. There it receives a Printer's Number from the Legislative History Room and is duplicated as needed. Now authentic, House Bill 652 is filed in the House Document Room, along with thousands of others that are stored there by the end of a two-year session. Copies of the bill are distributed to members of the House and made available to the public. The bill is also entered into the Legislative Data Processing computer network.

### Anatomy of a Bill



### SPEAKER OF THE HOUSE

This term originated in the British House of Commons in 1258. It refers to the elected leader in the House who speaks for the people and to the Sovereign, which today refers to the Governor. The Speaker selects committees, interprets and enforces House rules (known as *Parliamentary Procedure*), and signs all bills and joint resolutions passed by both the House and Senate.

### PARLIAMENTARY PROCEDURE

As a decision-making group, the House must operate by a set of rules that makes sure its procedures are fair and open to all of its members. These rules are called “parliamentary procedure” because they were first modeled after the conduct of England’s Parliament.

### Public Access to Bills

During an average two-year term, about 5,000 bills are introduced and filed in the House Document Room by Printer's Number. Public access to any bill is available online at [www.legis.state.pa.us](http://www.legis.state.pa.us). For a free copy of a bill, contact your Representative. The office and telephone number are listed with the Chief Clerk's office, 717-787-2372. If you know the Printer's Number shown in the top right corner of the bill, you may stop in person at the Document Room and ask for a copy.

# 3 rites of passage

## Scrutiny by Committee

The **Speaker** referred Bill 652 to the Environmental Resources and Energy Committee, which will decide if it merits further consideration. Standing Committees are like guards at a crucial checkpoint. Thousands of bills are sent their way for initial screening but many are stopped in Committee. In fact, roughly 75% of the bills received in Standing Committee are never considered because they are identified as irrelevant, too similar to other bills, poor policy, too narrow in focus, or a distraction from more vital issues.

The family of co-sponsors who brought House Bill 652 to life believe in it strongly. In the Environmental Resources and Energy

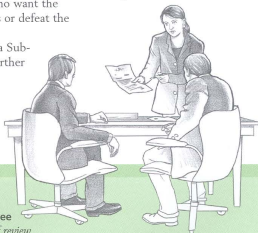
Committee, Bill 652 is critically examined by others for the first time. Before deciding the fate of a bill, Standing Committees do one or more of the following:

- Convene committee meetings, which are open to the public, to discuss the matter.
- Hold a public hearing anywhere in Pennsylvania, inviting comment from members of the general public who want the legislators to pass or defeat the bill.
- Refer the bill to a Subcommittee for further study.

When it is ready to vote, a Standing Committee can:

- Table, or set aside, the bill to make it inactive.
- Change, or amend, the bill.
- Defeat the bill.
- Accept the bill.

Fictional House Bill 652 survives its trial in Committee and is reported to the Floor without change.



### A Catalog of Committees

Up to 5,000 bills and amended bills can be proposed in a single term—far too many to be considered by all 203 members of the House. Instead, a variety of committees were formed to manage the workload related to screening, studying, debating, and resolving differences over bills. Sometimes this requires holding Committee meetings and public hearings where experts and the public at large can present their viewpoints. In a two-year session, the House averages 700 committee meetings and hearings which are open to the public.

#### Standing Committee

*A bill's first round of review*

One of 24 permanent committees organized by topics such as Appropriations, Judiciary, Insurance, Agriculture, Education, Finance, and so on. Standing Committees typically are composed of 16 House members of the political party which holds the current majority in the House and 13 House members of the minority party. The exception to this is the Appropriations Committee which is composed of 21 House members from the current majority in the House and 14 members of the minority party.

#### Subcommittee

*Workshop for in-depth study*

Fifteen of the Standing Committees have permanent Subcommittees which specialize in knowing about large state programs such as welfare or education. In all, there are 41 Subcommittees which can be asked to study bills and report and recommend action to the parent committee. For example, the Subcommittee on Higher Education may study a bill for its parent, the Education Committee.

# 4 peer review

## The Caucus Confers

**House Bill 652** has been reported to the Floor of the House. But first, the topic takes a brief but traditional detour into the Caucus Room for a second round of review. By House practice, votes generally are not taken on the Floor until each political party has had the opportunity to privately discuss, or **caucus**, the bill with its members. On major or controversial bills, the caucus attempts to muster full party support or opposition. On issues of conscience, or where the needs of a member's constituents differ from caucus policy, individual legislators may vote against party lines. If the caucus holds, however, it can make or break a bill.

The discussions normally occur at the beginning of each week in Majority or Minority Caucus Rooms in the Main Capitol Building. But a caucus can still be called once a bill is on the Floor if new developments or controversial amendments are introduced. In fact, Majority and Minority Floor Leaders can request a recess to discuss these events with their members at any point after a bill reaches the Floor until a final vote is taken.

#### CAUCUS

This term is taken from the Algonquin Indian language, meaning "elder" or "counselor." Since 1788, the Pennsylvania House of Representatives has used caucus in three ways:

1. A policy and strategy meeting of party members.
2. The Democratic or Republican party organizations, e.g., "As a Democrat, I recommend to the other caucus . . .", meaning to the other party.
3. An informal coalition of members with similar interests, for example, the Steel or Coal Caucus.

"Any comments on this bill?"

"How will this affect the state budget?"

"This bill won't help the people in my district."

"My constituents are really depending on this."

"Why don't we table that one."

#### Select Committee

*An investigative team*

Temporary, special-purpose committee created to study a particular problem or issue related to a bill. Select Committees may hold public hearings.

#### Conference Committee

*A committee of compromise*

A joint, **bipartisan** House-Senate committee of six which attempts to settle differences over bills which both chambers wish to support. Their compromise report, called a "conference report," must be voted "yea" or "nay" by House and Senate with no further amendments.

#### BIPARTISAN

This term refers to participation by both political parties. For example, a bill which has "bipartisan support" is backed by both Democrats and Republicans.

#### A Spirited Caucus

Caucus sessions provide some of the most exciting moments in the legislative process. In effect, the caucus serves as a second look at a bill before it is discussed on the Floor. But the broader purpose of a caucus is to set term objectives for each political party and line up support or opposition to bills that advance or block those goals. This is no easy task with legislators who represent a large diversity of interests across the state. Discussions are more like negotiations. Sparks fly as members tug and pull their various positions into place and persuasive Caucus Leaders try to gather enough votes to defeat or pass a bill. If Leaders succeed in "holding the majority" of 102 votes, they must then "hold their caucus" or keep their members from deserting the party position once everyone returns to the Floor.

# 5 entering a wider world

The House Floor

Like all bills, 652 must eventually leave the caucus room to test its popularity on the Floor of the House. The Constitution requires the full House to consider each bill three times, on three separate days before taking a vote on final passage. The authors of our Constitution included this requirement to slow down the legislative process, making sure that the public would have sufficient time to contact their representatives and voice their objections or support of bills under consideration. "Consideration" of a bill takes a different form on each of the three days.

## First Day of Consideration

The First Day of Consideration is a simple debut for Bill 652. Essentially, it is used to announce that the bill has been reported from Committee. The clerk reads the number and title of the bill. There is no debate, no amendments are offered, and no vote is taken. Then House Bill 652 is automatically tabled, making it inactive for no more than 15 legislative days. Faster action can be taken on the bill if the Rules Committee recommends that it come off the table sooner or if a representative moves to take it off the table and a majority of members agree.

## Second Day of Consideration

During the Second Consideration, House Bill 652's number and title are again read. The entire House screens the bill and determines if it has enough information to discuss it. At this stage, members do not debate the merits of the bill itself or vote on its passage.

Bills that require an expenditure of funds or involve loss of revenue to the state are sent to the Appropriations Committee, which reports them back to the Floor with a "fiscal note," or price tag, telling the members how much it will cost to enact the bill.

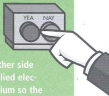
## Third Day of Consideration

The Third Consideration is the true day or reckoning for Bill 652—a full debate, including the opportunity to suggest amendments and vote on passage, up or down, by all members. The system has allowed enough time for all interested parties to offer their opinions and for all members to prepare for debate.

Debate over a controversial bill can go into the wee hours, filling

### ELECTRONIC ROLL CALL

Members vote at their seats using an electronic roll call system. Each desk is equipped with voting buttons, green for "yea," red for "nay." At a signal from the Speaker, members record their votes. Instantly, the votes are displayed on electronic voting boards posted on either side of the House and tallied electronically at the podium so the Speaker can announce the final vote.



the chamber with high drama as legislators state their positions with eloquence and emotion.

At the close of the debate, members vote from their desks by **electronic roll call**. Legislators cannot abstain—each bill requires a "yea" or "nay" vote from every member present. To pass, the bill must receive a **constitutional majority**. Certain appropriations bills require a two-thirds majority.

Hypothetical House Bill 652 passes overwhelmingly on the Floor of the House and graduates to the next plateau.

### LEGISLATIVE DAY

A legislative day refers to a calendar day during which the House or Senate is in session. Legislative days are not necessarily consecutive because the House or Senate recesses for the weekends, holidays, and on days when members perform legislative business away from the House or Senate floor.

### CONSTITUTIONAL MAJORITY

A constitutional majority is composed of more than half of those elected to the House or the Senate, regardless of how many members are present when a vote is taken. Thus, a constitutional majority in the House is 102 or more votes, and in the Senate, 26 or more votes. A "simple majority" is equal to more than half of those who are present when a vote is taken.

# 6 leaving the nest

Appraisal by the Senate

Although the House passed Bill 652, its endurance testing is far from over. Next, it goes to the Senate, where it faces the same series of careful checkpoints: the committee, the caucus, and three separate considerations on the Senate Floor. The process lengthens if the Senate wants amendments to the bill, which means sending it back to the House. There, members decide if they agree or disagree with the proposed changes. If they do not agree, the bill goes to Conference Committee to work out a compromise (see "A Catalog of Committees," p. 8). Fortunately, the popularity of imaginary House Bill 652 holds, and the final Senate vote approves it unchanged.

The Speaker of the House and the **President Pro Tempore** of the Senate each sign the bill in the presence of their respective bodies (House or Senate), and House Bill 652 enters the home stretch.

### PRESIDENT PRO TEMPORE

The Senator elected by the members to serve as the presiding officer of the Senate. The words "pro tempore," meaning "for a time," refer to his or her "temporary" role as President in the absence of the Lieutenant Governor—the ceremonial President of the Senate who votes only in the case of a tie. The President cannot, however, vote on final passage of a bill or joint resolution.

# 7 the final interview

The Governor's Desk

Now that both the House and the Senate approve, House Bill 652 must be evaluated by the Governor—the state's chief executive officer. The Governor does not pass bills or make law, but will do one of the following:

- Sign a bill into law just as it is.
- Permit a bill to become law without signing it.
- Reject a bill with a veto, which the General Assembly can override with a two-thirds majority in each body.
- Veto specific items in an appropriations bill, i.e., use a "line-item veto"; the General Assembly can also override a line item veto if it has a two-thirds majority in each body.

Shortly after it has arrived on his desk, the Governor signs into law House Bill 652.



*Hypothetical House Bill 652 was uncontroversial and uncomplicated and, as a result, breezed through the legislative process. In reality, progress often is more plodding, as bills are examined by subcommittees, discussed at public hearings, amended, reconsidered, assigned a price tag, and so on. Whether a popular bill moves effortlessly through the system or makes several stops along the way, no bill can become law without fair consideration from many points of view.*

# 8 joining the team

A Bill Becomes Law

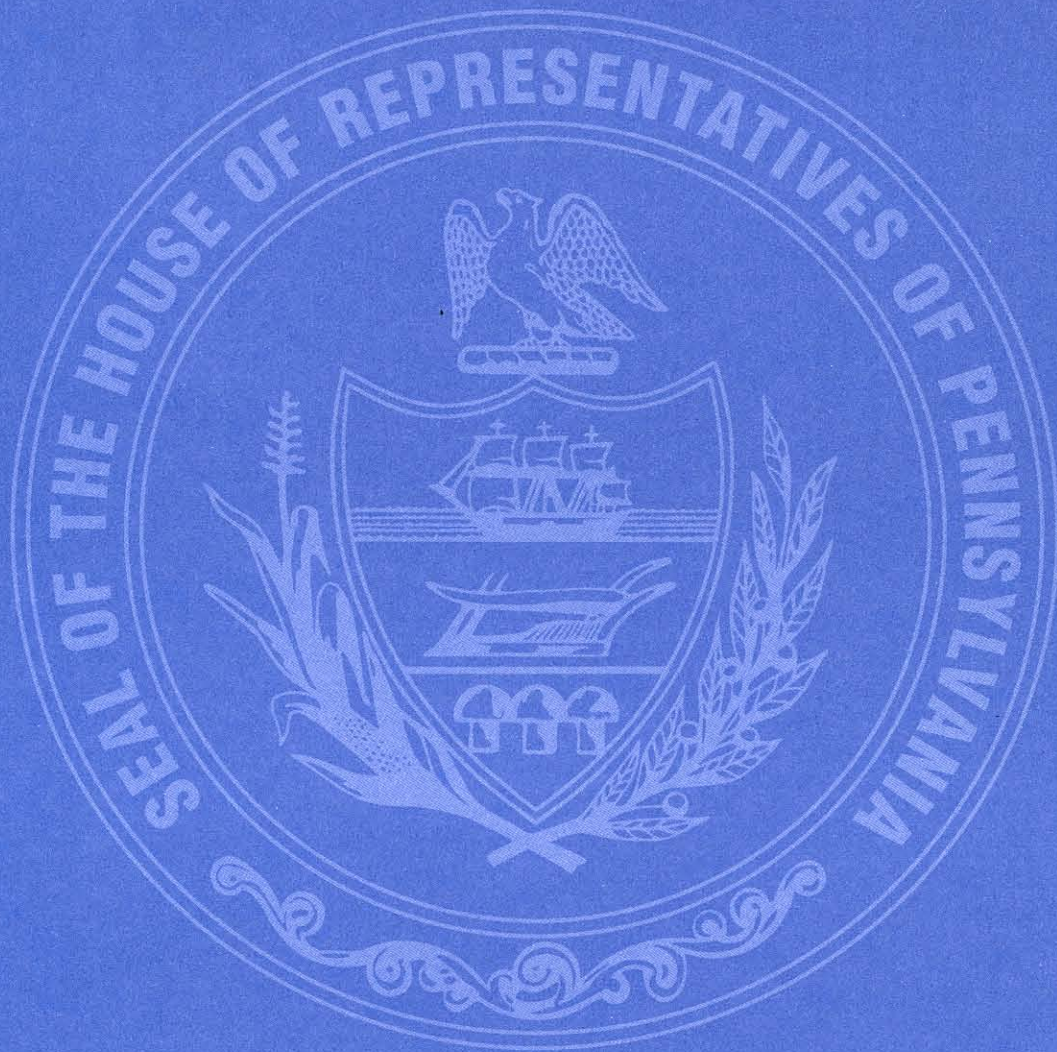
**Hypothetical House Bill 652** is now repackaged as a law. First, it is given a new number and new title, i.e., "An Act of the General

Assembly." Then, the Legislative Reference Bureau documents the Act by publishing it in book form in *Pamphlet Laws*, which is available for distribution to the public.

This fictional Act is now the official law of the land in Pennsylvania—but not necessarily forever. Laws stay on the books if they serve the public well and comply with the Constitution. If not, the General Assembly can repeal the law or the courts can declare it unconstitutional.

*That's why we can't turn sound ideas into law with a snap of our fingers—even though we sometimes wish we could. It takes time. And that's good, because a bill that survives intense review by all interested parties is more likely to represent the will of the people. That kind of responsible lawmaking is what our ancestors had in mind when they wrote the state Constitution; and it guides our legislators today as they make law in Pennsylvania.*

The House of Representatives has originated 63 percent of the bills which have become law. On average, the House introduces 62 percent of the bills proposed in the General Assembly.



There is much to be proud of in Pennsylvania. Magnificent land, steadfast citizens, lasting traditions, resilient spirit—and a system of government that has sustained Pennsylvania and the nation for over 300 years. *Making Law Pennsylvania* is one of a series of booklets we at the House of Representatives have prepared to make our state and the everyday workings of our government more understandable to its citizens. As your representatives, this is both our responsibility and our pleasure.

Copies of this booklet may be obtained from your State Representative or from:

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