

Legislative Process

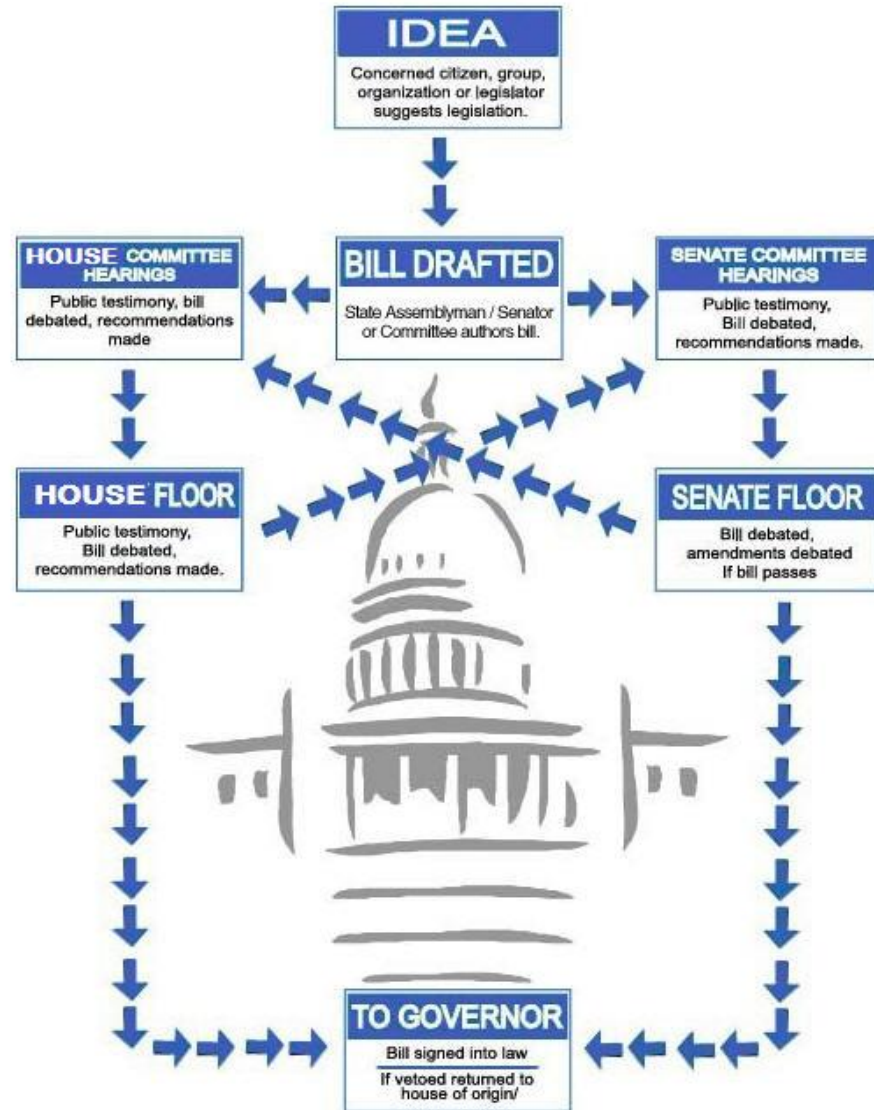
Source of a Law

Policy outcome

- Public safety
- Solution to a problem
- Expand benefits
- Regulate commerce or behavior
- Address inequities/create access to benefits
- Improve existing systems/create new ones
- Protect, preserve, conserve or manage natural/human resources



The Legislative Process



From <http://www.legis.state.wi.us/assembly/asm58/news/Legislation.htm>

Major Points of the Legislative Process

MCs want to pass bills

Any MCs can propose a bill, majority party controls after it is introduced

Legislative process is a collective effort, i.e. varied actors involved

Legislative process designed by institutional rules to favor majority

Time limit on legislative sessions, generally 2 years

Timing – when and how a MCs spends their political capital

How Do We Get to “Yes”

Proposed policies, i.e. “bills” and politics is tied together

Legislators have fixed policy preferences and objectives

Legislators have to justify votes and policy compromises to constituents

Party leaders sensitive to key groups within party and public image

Political costs – achieving minimum winning coalitions; avoiding unstable coalitions

INFLUENCES WILLINGNESS TO NEGOTIATE AND ACCEPTANCE OF FAVORABLE OFFERS

Minimum Winning Coalitions

Political success = effective coalitions

Collective action required to take action -fundamental feature

Coalitions at risk of raiders (Coalition raiding-common)

Rival coalitions incentivize to peel off other coalition members

Larger than MWC coalitions = high political cost

- Dilution of coalition goals
- Unstable coalitions – no single outcome preferred

Agenda Control

Majority party control

Allows to prioritize legislative objectives

Directed by the Speaker of the House and Senate Majority Leader

Expressed through institutional rules

- Scheduling procedures
- Voting procedures
- Amendment regulation
- Debate parameters

Institutional Rules

Standing Rules – guide day to day operations and procedures; maybe changed with each new legislative session

Special Rules – exceptions to the standing rules

Restrictive (modified) Rules – structures debate and regulation of amendments

Introduction of a Bill

Introduced on the floor of the respective chamber, exception -taxation and spending bills must originate in the House of Representatives

Assigned a number H.R. 400, S 222 and sent to the Standing Committee w/policy jurisdiction

Maybe assigned to multiple committees in cases where the bill crosses policy areas or includes spending provisions

Committee System

Designed on policy specialization

Standing Committees often have sub-committees to hand specific subjects within a policy area

Chairs carry significant influence and control, have ability to “kill a bill” by not bringing forward for consideration

Filters bills to ensure majority legislative agenda is expressed

“Mark-up” refers to the process within sub-committee to change or offer amendments

Sub-committee will vote on referring bill back to the Standing Committee

Negotiations Playing Field

Terrain e.g., bipartisan support or no bipartisan support, urgent, important, or routine matter, funding or expenditure concerns, level of undecided, election year or off election year, how unpopular

Intra-party support e.g., ideological, regional, who is in a tough re-election campaign, constituent concerns

Resources, e.g., how much time to devote, how much political capital to spend, time left in the legislative session

Negotiations – Key Political Ideas

Constituencies

- Critical to fundraising
- Activist base

Constrain flexibility

Risk to accept compromise or concessions

Force hard line positions

Fear primary challenges

Negotiations – Key Political Ideas

Lawmaker's Reputation

Held accountable for positions/votes taken

- Weigh vote decisions based on the effect of their reputation

Inverse relationship

- Vote “no” on a deal even when they support the policy if harmful to reputation
- Vote “yes” on a deal even when they object to the policy if positive for image

Negotiations – Key Political Ideas

Party Affiliation

Leaders are concerned about party brand and image

Individual members – concerned to the extent that it maintains their majority or their electoral interest

Dictates whether negotiations will occur

- More benefit to raise during election campaigns

Referral to the Floor

Bills that make it out of committee, placed on legislative calendar for future consideration

- **California** –bill goes to the floor, 2nd reading, amendments may be considered; scheduled for 3rd reading and vote

Majority in control regulates the legislative calendar

Balance between acting promptly on bill or allowing members to offer amendments, importance, political or real cost and level of controversy with members influences this balance

Institutional Voting on Bills

House of Representatives

“Under the Suspension of the Rules” – most efficient, limited time, usually done when there is overwhelming support

“In the House Under the Hour Rule” – debate limited to one hour, no amendments allowed, usually reserved for resolutions

Institutional Rules on Voting

House of Representative

”In Committee of the Whole and the House” – most legislation processed under this procedure, each representative is a member of the committee

Procedure:

- General debate
- Amending process- must follow rules issued by Rules Committee

Rules Committee – controlled by the majority and Speaker of the House, dictates the manner that bills will be considered and voted on.

The Rules

Party leaders exploit procedural rules/processes to “package” proposals that meet competing demands

The Rules Committee

Committee exists only in the House of Representatives

Rules used:

Open rule – allows for amendments to be offered, must be “germane”

- Germane defined as "in close relationship, appropriate, relative or pertinent to."

Closed rule – not amendments allowed

Restricted/modified rule – restrictions on type of amendments, who can offer amendments, imposes time limits on amendment consideration

Final Passage

House votes on amendments agreed to in the Committee of the Whole

Votes on amendments usually done all at once in one vote

Third reading occurs

Minority will usually make a motion to return a bill to committee, “**Motion to Recommit**”

- Symbolic act
- Attempt to amend or kill the bill in committee

Senate Differences

Traditionally, the Senate operated on a bi-partisanship basis

Minority members have more power due to the rules of the Senate

Standing Rule: “no Senator can interrupt another Senator without their consent”

- **Any senator may talk on the floor as long as they want**
- Filibuster is an legislative option for senators; has the effect of blocking a vote on the bill
- Cloture – ends the filibuster; requires 60 votes; limits debate to 30 hours

Senate Filibuster

https://www.youtube.com/watch?v=y_0DRy1NSl0

Modern Legislative Process

Move away from the classic legislative process to the use of the Omnibus bill

Omnibus bills proposes a mix of changes to a variety of existing statutes or subjects which forces the hand of the body to approve or defeat the whole legislative package.

Used by party leaders to control bills and prevent committees from working things out

Diffuses power of the committees

Omnibus bills may have spending provisions