

Legislative Process, Arizona, and the Role of the ASRS

Arizona, like every other State besides Nebraska, has a bicameral Legislature, meaning that it is made up of two separate chambers or bodies--the House of Representatives and the Senate. The House has 60 members, two from each Arizona Legislative District, and the Senate has 30 members, one from each District. Legislators are elected to two-year terms, and are term-limited after four terms or eight years. Arizona has no staggering of terms, so every member of the Legislature is up for reelection every two years.

The Arizona Legislature meets once annually for their Regular Session. Regular Session starts on the second Monday in January, and is scheduled to last for 100 days, however the House and Senate can mutually vote to extend the Regular Session beyond the 100 days. This happens regularly. The Legislature can also be called by the Governor into a Special Session to pass laws on a single issue.

In order to become law, a bill must be voted through both chambers (see How a Bill Becomes a Law below). Usually, a bill will be introduced in one chamber, pass through public hearings and debate and then be sent to the other chamber for similar processes. In order to reach the Governor's desk, both chambers must take a final vote on an identical version of the bill. Then the Governor may sign or veto the bill. Unless the bill says otherwise, the bill will become effective 90 days after the Legislature closes business for the Regular Session (called sine die). As with every political process, there are twists, turns, and other nuances that can further complicate the course of a bill.

The ASRS's role in the process is two-fold: the Board votes to ask the Legislature to pass certain bills (sometimes technical or IRS required and sometimes substantive plan design changes), and the ASRS responds to bills that are not sponsored by the ASRS Board. We regularly communicate with Legislators, Staff, ASRS members, and Arizona's citizens about whether a particular bill would cost the Trust Fund money, save money, have other administrative impacts, or hurt or benefit long-term stability, among other things. ASRS monitors legislative proceedings, and will testify in public Committees as needed. In the end, our role as Fiduciaries is imperative and drives our actions and decision-making.

HOW A BILL BECOMES LAW: STEP BY STEP

1. The bill is filed for introduction. House bills are filed with the House Chief Clerk, Senate bills with the Senate Secretary. Only members of the Legislature can file bills. They can be co-sponsored by any number of members, but the first-named sponsor on a House bill must be a Representative and on a Senate bill a Senator. The first-named sponsor is the principal sponsor and controls the bill.
2. The bill is introduced (also called "First Reading").
3. The bill is referred to standing committee(s). They are called "standing" committees because they remain in place from Legislature to Legislature unless they are removed by changing the rules. House bills go to House committee(s), Senate bills to Senate committee(s). In the House the speaker decides which bills go to which committees; in the Senate the president decides. Bills can be referred

to committee either on First Reading or Second Reading. If they are referred on First Reading, the Second Reading is a formality, does not advance the bill and is done later, on the fly. These "readings" -- there are three, the Third Reading being the actual vote to pass the bill -- are required by the state constitution.

4. The committee(s) meet, take testimony on the bill, and vote whether to recommend that the bill "do pass" as is or that it be changed ("do pass as amended").

5. The committee recommendations are read to the House (or the Senate). These are called "committee reports".

6. If no amendments have been recommended, the leadership can put the bill on the "consent calendar" by which the members by common consent agree not to debate the bill on the floor. If no member objects within a stated period to a bill being on the consent calendar (even one objection will take it off), the bill will bypass floor debate and advance directly to the vote (called "Third Reading") that will send it to the second house.

7. For a bill not on the consent calendar, the whole House (or whole Senate) meets to discuss the bill and the recommendations that have been made by the standing committees. This is the famous "COW" -- for "Committee of the Whole" (whole House or whole Senate). During COW, individual members can offer amendments directly; these are called floor amendments and are approved (or disapproved) by voice vote as they are offered.

8. After all amendments have been voted on, the bill's principal sponsor makes a motion that the COW recommends that the bill be passed.

9. If the COW vote is in favor of recommending the bill, the bill is reprinted with the COW-approved amendments, if any incorporated into the original text. This new version is called the House (or Senate) engrossed bill. The COW votes only by unrecorded voice votes. A voice vote can be verified by a standing head-count called a "division." If the division goes against the bill there is a rollcall vote. If the roll call goes against the bill, the bill reverts to its pre-COW status -- available for debate -- but except in rare cases it is in fact dead and is not brought up again.

10. If approved by COW, the bill is voted on (this is the "Third Reading" required by the constitution). If it passes, it goes to the second house (i.e. if it is a House bill it now goes to the Senate).

11. In the second house, steps 1 through 10 are repeated, this time with the bill going to the second house's committees, consent or COW calendar and Third Reading. If it passes the second house it comes back to the first house (its "house of origin").

12. If the second house did not amend it, the bill now goes to the governor.

13. If the second house did amend it, the house of origin votes on whether to accept the second house version of the bill.

14. If the house of origin accepts the second house's changes, it votes on the bill again (it's called "Final Reading"), and if the bill passes, it goes to the governor. This second vote is required because the house of origin never has voted on this version of the bill.

15. If the house of origin rejects the second house's changes, its presiding officer (speaker in the House, president in the Senate) appoints a few members, usually including the principal sponsor, to a committee to meet with a few members from the second house appointed by that house's presiding officer and resolve the differences. This is called a conference committee.

16. The conference committee usually recommends approval of one of three versions of the bill: 1) As it passed its house of origin, 2) As it passed the second house, or -- and this is common -- 3) With new amendments that create a version of the bill that neither house has voted on.

17. The conference report (the version of the bill recommended by the conference committee) is submitted to both houses. A voice vote in each house and then a final vote in at least one house must approve it: if the conference committee recommended the House version, then the Senate must vote a final time (because it never voted on the House version); if it recommends the Senate version then the House must vote a final time; and if it recommends a brand-new version, both houses must vote a final time.

18. After approval of the conference report and all required final votes, the bill is sent to the governor by its house of origin.

19. The governor must act on the bill by a prescribed deadline. If the governor does not sign the bill into law or veto it, the bill is filed into law automatically.