

CHAPTER 18

THE LEGISLATURE AND LEGISLATIVE PROCESS

The Idaho State Legislature is comprised of one hundred and five members (105), forming a bicameral legislature made up of thirty-five (35) state senators and seventy (70) state representatives. Legislators are elected every even numbered year to represent different geographic areas called districts. These districts are divided primarily along county lines and are reapportioned every ten years by the legislature. A constitutional amendment passed in 1994 created an independent commission to reapportion in 2000 and thereafter. The State Constitution requires the legislature to convene by noon on the Monday closest to the ninth of January each year. The regular session usually runs an average of 75 days. Legislators must convene for extraordinary sessions if called upon by the governor. All sessions conducted by the legislature must be open to the public.

The general powers of the legislature include levying taxes, appropriating public funds, proposing constitutional amendments, conducting impeachment proceedings, as well as creating and abolishing state agencies, local governments, local courts, and private and public corporations. Legislators are limited through constitutional and statutory means in their power to restrict individual human rights. The Senate has specific responsibility to confirm administrative and gubernatorial appointments. Only the House may originate revenue-raising measures.

Leadership

The legislators meet in a joint session on the first Thursday of December following each general election to elect their officers and appoint committees, with the exception of the Senate President, who is the Lieutenant Governor of the State. Legislators in both houses elect their floor leaders called the Majority and Minority Leaders, the Assistant Majority and Minority Leaders, and the party Caucus Chairperson. The majority party is responsible for electing the most powerful positions within the House and Senate, namely, the Speaker of the House and the Senate Pro Tem. These officers are responsible for presiding over the sessions within each of their respective houses. The Speaker of the House is responsible for conducting joint sessions.

Committees

The legislative committees are organized by subject matter such as Local Government, Health and Welfare, Education, Transportation, Judiciary and Rules, etc. These committees deal with subjects germane to their title.

The leadership within the majority party makes decisions about committee assignments within the House of Representatives based on seniority as well as the individual interests and expertise of the different legislators. In the Senate committee membership is assigned by the Senate President with the approval of the full Senate. It is custom within the legislature to appoint a member of the majority party to chair each of the committees.

The committees are responsible for reviewing the bills assigned to them, discussing each individual

bill within the committee, listening to expert testimony, and considering public opinion before recommending the bill to the full House and Senate. The committees make recommendations to pass the bill unchanged, pass the bill with revisions, move the bill to another standing committee, or hold the bill to introduce another similar bill.

The House Speaker and Senate President generally assign all bills to committees within their respective chambers. This assignment is crucial to any bill's success or failure since it is the first point of influence.

All committee meetings are open to the public and anyone can submit information or testify on bills by contacting the committee secretary.

How a Bill Becomes Law

A bill is a proposal for the enactment, amendment or repeal of an existing law, or for the appropriation of public money.

The following is the process by which a bill becomes law:

1. A Committee is selected germane to the subject of the bill.
2. A Routing Service (RS) is prepared for introduction to a Legislative Committee. Normally, only the sponsor of the RS is allowed to testify during introduction. The RS must have a Statement of Purpose and Fiscal Impact prepared.
3. If approved, the RS is sent to print by the committee and referred to the Chief Clerk of the House or Senate Secretary for assignment of a bill number (HB or SB). If rejected by the committee, the RS is returned to the sponsor to hold indefinitely or revise for resubmission.
4. After receiving a number, the bill is read at the first (1st) reading calendar and assigned to a germane committee.
5. A formal hearing is then held with both pros and cons given. The committee will then decide the merits of the bill and whether to send to the full House or Senate with a "Do Pass" or "Without Recommendation" or may decide to "Hold" in committee.
6. If the bill goes to the floor, it is read across the desk by name and title only for second (2nd) reading one day, and on the next day advances to the third (3rd) reading calendar. If there is a full calendar it may take upwards of a week before it is considered with full debate.
7. When a bill is finally considered on the 3rd reading calendar, the floor sponsor will debate in favor of the bill. Any other member may debate against the bill and ask

questions. After closing debate a vote is taken and it either passes or fails.

8. If the bill passes, it goes to the other chamber (House or Senate) and is assigned a committee whereby the same process is followed. During this process, a bill may be referred to the amending order by either house. When a chamber goes to the amending order, it reconvenes as a "Committee of the Whole." Once convened it considers the amendment calendar where all proposed amendments are considered, debated and voted upon. If amended, the bill is referred to the engrossing committee and then placed back on the calendar to be considered as a new bill. It then goes through the steps of a regular bill.
9. If it passes the second chamber, it is sent to the chamber where it was originally introduced. The bill is then enrolled and signed by the House Speaker and Senate President and forwarded to the Governor.
10. After the Governor receives a bill, he may: (1) approve the bill by signing it within five (5) days after receipt (except Sundays); (2) allow the bill to become law without his signature; or (3) VETO the bill and return it to the house of origin, stating his reason for disapproval. In the event the Legislature "Sine Dies" (adjourns), the Governor has ten (10) days to act. A vetoed bill may be overridden by a two-thirds (2/3) majority vote of the members present in each house.
11. If signed by the Governor, the bill is transmitted to the Secretary of State for assignment of a chapter number in the Idaho Session Laws. The bill then becomes law July 1, unless there is an emergency clause or other effective date.

Contacting Legislators

To leave a message for legislators during legislative sessions call the Legislative Information Center at 332-1000 or 1-800-626-0471. State your name, position, where you are from, the legislator you want to talk to, and the bill number or bill title. When your legislator returns your call you should keep your discussion to 2-3 minutes and be specific. When writing a letter, address it to the legislator and list the bill number/title you are referencing. Briefly explain your position on the bill and how it affects you. Also, tell the legislator how you would like them to vote. If you want to talk to them, list your phone number for a return call. Finally, thank them for taking time to consider the letter and your opinion. You may also fax a message or information to a legislator. The fax number is: **(208) 334-5397**. To send e-mail to legislators during the session: **idleginfo@lso.state.id.us**. Some have found that personal contacts with legislators are usually the most effective method of communication. This should be done on a year-round basis before the legislative session begins. Also there is a legislative directory that may be purchased through the Legislative Services Office that lists contact information for legislators. Example: For Senators: jsmith@senate.idaho.gov; for Representatives: jsmith@house.idaho.gov

Testimony

Prior to the Committee Meeting find out when and where your bill(s) will be heard. You may do so by checking with legislative committees and by looking on the Internet for daily committee agendas when the Legislature is in session. While waiting for a legislator or committee meeting, use your time to work on your presentation. Plan your testimony and keep it as simple as possible while covering the basics and make sure your main point is understood. Do not be too technical, detailed or complex. Never lie or jeopardize your credibility. It is easier and more effective if you have something prepared for distribution to committee members and then orally summarize your remarks to conserve time.

When you arrive at the committee meeting be sure to sign your name when you arrive and indicate whether you intend to testify as sign-up sheets are available at all meetings. When appearing before committees always begin your testimony by addressing the chairperson and members of the committee. Also, when responding to a question from a committee member, always proceed through the chairperson and then the committee member. Your presentation should be smooth and you need to prepare for and anticipate questions from legislators. When you close, ask for the legislator's or committee's support.

After you testify do not expect immediate committee action. The bill may be held until another day. You are welcome to stay after the discussion on your bill and listen until the end of the committee meeting. If the vote on your bill is postponed, and the Chairman does not announce a date for further consideration, check back with committee staff or the Information Center about future scheduling.

Legislative Publications and Internet Resources

The most important publication is the Legislative Directory. This pocket directory is published each year and includes the legislative process, its members and committees. Another important publication is the Mini-Data which is published daily and lists each bill by number, short title and the bill's status. The Daily Data is printed weekly and lists the number, title, description, and sponsor of each bill, as well as the status of the bill and voting record. The House and Senate Journals are printed daily and provide a chronological account of the proceedings. The reading calendars are printed daily and posted on the board inside each chamber. These publications are all available from the Legislative Information Center, the Legislative Services Office, and the Legislature's Home Page on the Internet. For anyone interested in following bills throughout the session it would be wise to purchase the Legislative Directory, Mini-Data and Daily Data.

Another valuable resource for legislative information is the Idaho Legislature's web site on the Internet. Full text of all bills, statements of purpose and fiscal notes, as well as bill status and all actions taken are available on the Internet. During legislative session, you will also find agendas for all committee meetings and reading calendars for both the House and Senate. Those interested in tracking specific bills can register online to track a single bill, create bill lists for tracking multiple bills, and receive email notifications for updates on the selected bills. The address for the Legislature's Home Page on the Internet is: **<http://www.legislature.idaho.gov/index.htm>**.

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