

Legislative Process 101: What Happens, When and Why

*Kansas Association of School Boards
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We have received some questions from new school board members and administrators about the legislative process, including the significance of the Kansas State Board of Education and interim committees' recommendations, and how KASB is involved in that process. Here is an overview.

Legislative Leadership

Following the election of the Kansas House of Representatives in November, new and re-elected members met in early December to choose leaders. Because Republicans are in the majority, they chose the Speaker of the House, the Majority Leader and Speaker Pro Tem, plus several other officers. All of the Republican leaders are new to their positions this year. The Speaker decides what committees will be appointed, names the chair and vice chair, and appoints the Republican members.

Democrats elect the Minority Leader and other officers, who did not change this year. The Minority Leader appoints the ranking minority party member and other Democrats to committees. Committee members are divided by political parties in the same proportion as their membership in the full House.

Kansas Senators serve four-year terms and were not on the ballot this year, so their leaders (President, Majority Leader, Vice President and Minority Leader) and committee assignments will generally not change. (One new Senator was appointed to replace a member who resigned.)

Leadership and committee appointments are very important because they largely determine the outcomes of the session. The Speaker and President assign bills to committees. The chair determines whether a bill receives a hearing and whether the committee will "work" the bill by considering amendments and whether to pass it out or kill it. Unless a bill is voted out of committee, it is very difficult to get it to the floor for consideration by the whole House or Senate. (However, the subject of bills in committee may be presented as an amendment to another bill before the House or Senate if it is considered "germane," or related to the same subject.)

Bill Introduction

Where do bills come from? First, many special or standing joint committees that study issues during the "interim" between sessions of the Legislature can introduce bills. Second, state agencies, such as the State Board, may request bills be introduced. Third, the Governor submits budget recommendations that become appropriations bills. Fourth, individual legislators may have bills introduced either by name of individuals or by standing committees. Finally, most committees will, as a courtesy, introduce bills at the request of organizations like KASB.

Although agencies and organizations will usually provide the specific language they want, bills are drafted by lawyers who work for each committee under the Revisor of Statutes. In other cases, legislators or committees request bill "concepts" and the committee revisor must decide how to write the bill. Each committee also has staff members assigned from the Legislative Research Department, and a secretary who works for the committee chair. KASB staff work closely with committee staff.

Requests for legislation from the State Board, other agencies or interim committees almost always receive a hearing and usually will get a vote in committee, unlike bills from individuals or organizations. The State Board's legislative agenda may not pass, but it will help set the agenda.

Schedule and Deadlines

Each regular legislative session begins the second Monday in January. In years following an election, the House and Senate vote on rules for their chambers, plus joint rules. Those rules specify certain deadlines for bill consideration, which usually follow the same pattern. Generally, bills must be introduced by the middle of February. They must receive a hearing, be passed out of committee and voted on by the “house of origin” by the end of February. (This is called “turn around” because bills are then sent to the second house for the same consideration.) Bills must be through the second house by the end of March. In each house, bills introduced by or referred to certain committees are exempt from these deadlines.

In recent years, the House usually met at 11 a.m. and the Senate at 2:30 p.m. (except on Fridays). The rest of the day is reserved for committee meetings which usually last one hour in the Senate and 90 minutes in the House. However, a committee may not meet every day, and not at all when the Legislature is working to pass bills before a major deadline. Most days, each party in each House holds a “caucus” or “calendar review” to discuss impending issues. As a result, legislators spend a great deal of time in caucus, in committee or on the floor, rather than in their offices.

Passing Legislation

When a bill comes to the floor of the House or Senate, any member can speak and offer amendments. Usually, this debate occurs in the “committee of the whole,” after which the body votes to pass the bill to final action. Unless a special motion is passed, final action takes place the following day.

To pass either the House or Senate on final action, a bill must receive a constitutional majority, which means 63 of the 125 House members and 21 of the 40 Senators. After a bill is passed in its final form, it goes to the Governor who may sign it, veto it, or allow it to become law without his or her signature. Overriding a veto requires a two-thirds vote of both houses. The House and Senate may also pass resolutions, which are non-binding expressions of opinion or requests for action. A “concurrent” resolution must be passed by both houses just like a bill, but does not go to the Governor. A constitutional amendment is a concurrent resolution that must pass both houses, but requires a two-thirds vote and does not go to the Governor. A constitutional amendment must then be approved by the people in an election.

When a bill is passed by both houses in identical form, it goes directly to the Governor. However, if the second house makes amendments, the first house may either agree to those amendments or ask to appoint a conference committee, usually composed of the chair, vice chair and ranking minority members of the committees that considered the bill in each chamber. Those six individuals are to agree unanimously on the language of the bill, called a conference committee report. If the six cannot agree, each house may vote to “agree to disagree,” which means a conference committee report can be passed by only two members from each house. (This means that the majority party can control a conference committee report if enough of its members “agree to disagree.”)

A conference committee report must be passed by both houses and cannot be amended, which is another reason why committee leaders are so important to the process – they often have the final say in the exact wording of legislation. Conference committees generally meet during the final week or two of the “regular” session, which ends in early April with “first adjournment.” The Legislature then adjourns for several weeks before returning for a final “wrap-up” or “veto” session that may last from a few days to several weeks. The ceremonial end of the Legislature, called “sine die adjournment,” is usually near the end of May. After that point, the Legislature can only meet if called into special session.

KASB's Activities in the Legislature

KASB's first step is to determine positions on issues on behalf of our member school boards. This was accomplished for the 2007 session by the Delegate Assembly meeting in December 2006, which approved policy positions and resolutions by adopting changes or maintaining previous positions. The KASB Board of Directors then met to approve a list of priorities for the session, and KASB staff will report to and receive input and directions from the Board at its meetings in January, March, June, August and November.

KASB has been reporting on State Board and committee recommendations, many of which will be introduced in bill form. When the session begins, KASB staff members read all bills and resolutions as they are introduced and amended. When bills or resolutions are determined to have an impact on school districts, a description is written and KASB begins "tracking" the legislation. Bill descriptions will be posted on the KASB Web site and major issues and legislative action will be reported in daily e-mail updates and the weekly *Governmental Relations Bulletin* published each Friday during the session in both electronic and printed format.

KASB also meets regularly with House and Senate leaders, especially of committees that deal with most school-related matters, as well as other House and Senate members to discuss KASB's positions. We attend committee meetings and floor debates on education-related issues.

When a bill is scheduled for a hearing, staff will determine whether KASB has a policy position either directly stated or implied by positions approved by our members, and whether to testify on the issue. KASB may testify in support or opposition to the bill, offer comments and may propose amendments. Usually, KASB staff members appear in person before the committee to give testimony and answer questions, although statements may occasionally be given in writing only. If possible, KASB staff will also contact individual members of the committee about the issue before a vote is taken. Testimony creates a public record of our position, which is usually reported in the "supplemental note" or "bill brief" prepared if a bill is passed out of a committee. KASB may also send a letter to all House or Senate members, and communicate with majority and minority leaders and staff. KASB Testimony is posted on the KASB Web site.

KASB staff maintains regular contact with other organizations that share our positions or interests, including areas such as education, local government, employee-management relations, and public services. Depending on the issue, KASB may give joint testimony with other groups and coordinate contact with legislators. KASB also works with members of the news media through press releases, public statements, interviews and research questions.

School Leaders and the Legislative Process

Administrators and school board members should keep track of issues and legislation reported by KASB and other sources, and considers how proposed bills would affect your district. Make sure you know your local House and Senate members and they know you. Meeting before the session begins is important, as is regular contact during the session. Know their committee assignments and how to best contact them. (If you're not sure, ask them!)

When a committee holds hearings on bills concerning schools, it is especially important to contact your legislators if they serve on that committee. (You should also let your legislators know your position on a bill if they don't serve on that committee, in case it moves to the floor quickly.) You can call or write other members of the committee, especially the chair and ranking minority member, but most legislators pay relatively little attention to correspondence from those who are not constituents. However, legislators will give a courteous hearing to citizens who testify before the committees, and school leaders are encouraged to do so. KASB can help you sign up and prepare testimony upon request.

Your action is most critical when bills are reported out of committee and reach the floor where all legislators have a vote on the bill and amendments. School leaders should contact their legislators by phone, letter or e-mail, explaining the reasons to support or oppose the measure, and particularly how it will affect schools in the legislator's home district or area. Because bills are often voted on more than once, you should never "let up" or "give up." KASB will report how legislators vote on major bills. If legislators voted as you hoped, thank them and ask them to continue. If not, urge them to reconsider if the issue comes back. Finally, if a controversial bill reaches the Governor, school leaders should write or call that office.

How can KASB help? Just ask! We provide information on legislators and their contact information on our Web site, www.kasb.org, or through links to other sites. You can use our testimony or position papers for the major arguments or "talking points" on issues with your legislators and the public, or for preparing your own testimony. Call or e-mail anytime with questions. Finally, KASB staff can visit with your school board, school and parent organizations and community groups about legislative issues on-site or through distance technology.