Let’s pretend you are a bill. Not a Bill, short for William, but a bill as in “I want to be a law someday.” As a lobbyist, if I were feeling cruel and flippant, I would respond, “Good luck with that!” If I was being a kind and helpful lobbyist, willing to provide assistance, which, of course, I am, I would say, “My dear friend, let us get started right away for the path ahead is perilous, filled with uncertainty, and we will need fortitude and persistence, and even a little luck, if we are to gain statutory status for you.”

The life of a bill can be quite dicey. The mortality rate for newly introduced bills is very high. In the last legislative session, 3,951 bills were introduced. (Side note: The PBA Legislative Department attempts to review every single one as part of our duties.) After a bill is introduced, it is assigned to a committee by the speaker of the house if it is a House bill and the president pro tempore in the Senate if it is a Senate bill. And the vast majority of bills stop right there. I don’t mean they get voted on and fail: They never receive a vote. I have spoken to attorneys who actually think every bill gets a hearing. Ha! Hearings for a bill are even rarer than a vote. And like I said, most never receive a vote.

A colleague of mine, who lobbies in several different states, informed me that in some states, every bill introduced receives a vote. Wow! I sure hope that in those states the legislators are a little more selective about what bills they introduce.

Since most of you have watched “Schoolhouse Rock!” and know its catchy little ditty, “I’m Just a Bill,” you rank as near experts on the legislative process. But please hold on as I go a little deeper.

As we continue on the journey of our friend, I will call her Billie, let’s posit that she has survived the first step and now has been placed on the legislative calendar, where she must stay for three “legislative days” until she can be voted on and, hopefully be liberated from the first chamber, to then go frolic in the second chamber. (By the way, in my estimation all bills are women because they have a high capacity for pain, as my wife often reminds me when I have a near-fatal accident such as stubbing my toe.)

Sounds simple enough: Hang out for three legislative days (not to be confused with actual calendar days) on the chamber’s calendar, and then, voila, Billie’s up for a vote. But not so fast. A bill can be placed on the calendar and then be tabled. Cue the sad trombone: Wah, wah, wah, wah. At this point, Billie may be toast.

But let’s say the bill is not tabled. Billie has three calendar days until she can be voted on for final passage. If Billie gets to that point, she has a very good chance of passage in the chamber of her origin. But all bets are off when the bill moves to the second chamber.

The majority party rarely puts a bill up for a vote that does not have the votes to pass. I get the sense that some folks think most votes in the Legislature are partisan in nature. Not really. Of bills that make it across the finish line — the governor’s desk with his signature on it — 68% are passed unanimously; 93% pass with a bipartisan vote. As to strict party line votes, I have not done that analysis, but my educated guess is less than 5%.

So Billie has passed the first chamber unanimously. Yay! Thus, you may think, she is on the glide path to victory. Not so fast. The moment Billie passes the first chamber, she enters the second chamber and she is immediately controversial. But why? Because she is a bill from the other chamber.

Let me explain. One of the hardest things about getting a bill passed is to get the second chamber to pay attention to a bill passed by the other chamber. There are hardcore inter-chamber politics at work. There is constant disagreement between the chambers regarding what is fair with regard to the number of bills that will get passed by each chamber — a disagreement not on the merits, but simply on what number of bills that originated in one chamber will get passed by the other. Thus, negotiations are conducted between the House and Senate, “trade lists” are created and then bills start to pass and go to the governor’s desk.

If Billie is to become a law, she will need a lot of factors to fall into place in the second chamber. A committee chair that likes her (in the second
chamber a bill still has to start in a committee), a prime sponsor who is liked — or at least not disliked — by someone powerful in the second chamber and an organization or interest group that is pushing for passage in the second.

And then if she survives all of that, she has one more hurdle: the governor. He can do one of three things: sign the bill, veto the bill or let the bill become law without his signature. Vetoes are rare; letting the bill become law without a signature a little less rare. For instance, Gov. Wolf let the first three budget bills of his tenure become law without his signature. This is interpreted as “I don’t like it, but it is the best we can do.”

I hope that Billie’s journey has helped you have a better understanding of this part of the legislative process. My staff and I provide a CLE that goes further than this article. When circumstances allow, we would enjoy coming to your county. Please give me a call.

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