



TOOLS FOR THE CITIZEN ACTIVIST

LEGISLATIVE LEXICON

Helpful Explanations of Confusing Legislative Terms

Shell Bill

Due to the short deadlines the Legislature must operate under (or procrastination on somebody's part), sometimes there isn't enough time to get a bill written in final form before the deadline for introducing all bills. If it isn't introduced by the deadline, it can't be considered. In these cases, a shell bill is introduced. It usually includes nothing more than a title that describes the section of law being amended or added to. It may include some meaningless wording or punctuation changes.

Later, when the bill is considered by a committee, the author will have a completed version to offer as a "committee substitute". The substitute completely replaces the introduced version, but it must still deal with only the sections of law originally described in the title. It's a way to buy some extra time to get the bill in final shape.

Sometimes shell bills are used deliberately as part of a strategy to get something passed, usually something that would generate controversy or stir up opposition if it was known about beforehand. No one knows what the bill really is until the committee meeting. As you can imagine, there is a high potential for mischief in this kind of situation. Shell bills may also be introduced and moved through the calendar to keep a vehicle handy to deal with unanticipated problems that arise late in the session after the deadlines have passed.

Striking The Title

The Constitution requires all bills passed to have a title. The title specifies the sections of law added, changed, or deleted and a cursory description of what they pertain to. By amending a bill to remove the title, legislators can guarantee that they will have another chance to vote on something before it becomes law. A bill without a title must be amended to restore the title and then be approved again before it can become law. Moving a bill along without a title is one way for legislators to keep the process moving and meet all the deadlines for action with the intention of making some changes later, changing their minds, or dealing with some concern that came up during consideration. The title can be restored (or removed) at any point in the process – in committee or on the floor.

Dormant

A bill that fails to be approved in committee by the deadline for action is considered dormant. For all practical purposes, dormant bills are dead for at least the remainder of the session. While it is possible to exempt a bill from the deadlines by suspending the rules, this requires a two-thirds vote and is rarely even attempted.

Committees do most of the "winnowing out" work of the Legislature. So many bills are introduced it is not possible to deal with all of them. Many are never intended to move anywhere – only introduced so legislators can claim to the folks back home that they have done something (when they really haven't). A bill can become dormant because it was just never considered by the committee or because it was considered but failed to gain a "do pass" recommendation. Bills are rarely killed outright by a "do not pass" motion - the Senate doesn't even allow such a thing.

Instead, if there is not enough support to pass the bill, a motion to "report progress" is routinely adopted. This keeps the bill technically alive in the committee. Dormant bills are through for the first year of our 2-year sessions, but they can be brought up again in the second year to make another try. This sometimes is successful, though not often. In the second year of the session, dormant bills are finished for good since everything has to start over with a new Legislature.

The Conference Committee

Many of our bills (as well lots of other ones) will end up in a conference committee near the end of session. Since both houses of the Legislature have to pass identical language in a bill before it goes to the Governor, some way to work out differences between House and Senate versions is necessary. That's where the conference committee comes in. Some bills are intentionally sent to conference (for various reasons) by striking the title (*see above*).

The conference committee is made up of members from both the House and Senate – the conferees. A different committee may be assigned by the leadership for each bill sent to conference. Standing committees may also be appointed to fulfill this role. The conferees usually include the House and Senate authors, other members interested in the particular bill, and token representation from the minority political party. The conferees are charged with hammering out a proposed final version of the bill.

This is not necessarily a process of looking at conflicting sections of the bill and picking one version or the other. The conferees are not limited to what was in the 2 versions. They are free to propose some kind of compromise between the 2, eliminate both, or put in something that wasn't even mentioned in the earlier versions. The only restriction is that any new amendments or additions deal with the same sections of law as the original bill. As you can imagine, last minute surprises are not uncommon.

Once the conferees finish their work, a majority of the members from each body must approve the Conference Committee Report or CCR. Unanimity is not necessary, just a majority. The CCR then goes to the body originating the bill, *ie*, the CCR for a Senate bill goes to the Senate first. The CCR goes directly to the floor. It cannot be amended on the floor. A CCR can be adopted, rejected, or sent back to the conference committee. If it is sent back, instructions on what the Legislature wants can be included. If either body rejects the CCR, the measure is dead. If the conferees are unable to agree, the CCR indicates this and the measure reverts to the status it had before being sent to conference. Any measure not acted on and still pending in a conference committee when the first session adjourns does not carry over to the second session.