

Background of Pennsylvania Government

The Pennsylvania General Assembly

In 1776, the Pennsylvania Legislature was established as a lawmaking body by the first state constitution. Originally unicameral, the General Assembly became bicameral under the second constitution of 1790 and since that time has been comprised of a House of Representatives and a Senate. The General Assembly meets in two-year sessions.

House and Senate legislative districts are reapportioned every 10 years after the federal census is taken. Reapportionment following the 2000 census created state House districts of approximately 59,000 people and Senate districts of about 240,000 people.

There are 203 members in the House of Representatives; a number established when the state's constitution was revised in 1967. A representative must be at least 21 years of age, a resident of the commonwealth for four years and a resident of the district for at least one year. The term of office for a member of the House is two years, with all seats up for re-election at the same time.

When the Senate was first established in 1790, there were only 18 senators.

Following the 1874 Constitutional Convention, that number was increased to 50, where it remains today. A senator must be at least 25 years of age with the same residency requirements as members of the House. Senate terms are four years, with odd- and even-numbered district seats contested on a rotating basis.

Chamber and caucus leadership

The principal officers of the state Senate are the president pro tempore, the secretary and the chief clerk, all of whom are elected by the Senate. As a constitutional officer, the president pro tempore is the only one who is also a senator. The secretary and chief clerk are statutory officers.

The presiding officer of the Senate is the lieutenant governor. However, he or she is not a member of the Senate and has no vote unless the Senate is equally divided. In this case, the lieutenant governor may cast a tie-breaking vote on any question except the final passage of a bill or joint resolution, the adoption of a conference report or the concurrence in amendments made by the House. In his or her absence, the president pro tempore presides.

The principal officers in the House are the speaker, the chief clerk, the parliamentarian, and the comptroller. Except for the parliamentarian, all are elected by the House, but the speaker is the only officer who is a member of that body.

The House of Representatives elects one of its own as speaker. This presiding officer, being a member, may vote on all questions.

A caucus is a closed meeting of all members of the same political party in one chamber of the legislature. Following the general election and prior to the beginning of the two-year term, the political parties of each chamber meet in caucus to select their leaders.

Within the two chambers, the majority and minority caucuses each choose their leaders, who develop policy and strategies for the support of or opposition to proposed legislation. In both the House and Senate, then, there are two caucus officers (majority and minority) for each of the following positions:

- Floor leader - This person is the official spokesperson for his or her caucus and is responsible for the fiscal affairs and overall management of the caucus staff. The majority floor leader also schedules the legislative calendar that lists the bills to be considered on a given day.
- Whip - The assistant leader, or whip, assists the floor leader in carrying out party policy concerning legislation and acts as the intermediary between leadership and individual members.
- Caucus chairman - This officer conducts meetings of the caucus and is responsible for informing caucus members of the session schedule. The caucus chairman also ensures that all legislation scheduled for a vote is brought before the caucus for discussion. His or her job also includes obtaining a count of the expected "ayes" and "nays" of members of the caucus on pending issues and seeking to bring members of the party into line on critical votes.
- Caucus secretary - The caucus secretary records all business conducted at caucus meetings, serves as correspondent for the caucus and assists at caucus meetings.
- Policy chairman - This officer initiates and promotes the goals and policies of the party.
- Caucus administrator - Duties of the administrator include members' office and parking assignments, renovations, telephone, and furniture requests.
- Appropriations chairman - In 1987, the majority and minority chairmen of the Appropriations committees were made caucus officers. The Appropriations committees are responsible for preparing budget legislation for commonwealth expenditures and monitoring expenditures by commonwealth agencies throughout the fiscal year.
- Standing committees - All bills introduced in the House and Senate are assigned to a standing committee for first consideration. The number of committees is determined by each chamber, and there are more than 20 standing committees each in both the House and Senate. Some House committees divide into subcommittees, but there are no subcommittees in the Senate.

Often a legislator is appointed to a particular committee because of qualifications in certain areas. Expertise becomes an asset to the makeup of the committee and also may affect the quality of legislation passing through the committee's hands.

The majority party in each chamber controls all committees, with their members as chairpersons and vice chairpersons. The minority leader in each chamber selects his or her party's minority chairperson for each committee. The president pro tempore is an ex-officio member with a vote in all, but never chairperson of any, Senate committees.

The House speaker and majority and minority floor leaders are ex-officio members of all committees in that chamber without the right to vote.

In addition to considering legislation, the Senate Rules Committee is charged with deliberating nominations made by the governor. Confirmation of important appointed officials is a constitutional responsibility reserved only to the Senate.

The Legislative Session

The General Assembly is a continuing body during each two-year session, with the legislative year beginning on the first Tuesday of January of each odd-numbered year as required by the constitution. Traditionally, the Legislature recesses for the summer months after the state budget is adopted in late June or early July and reconvenes in mid-September. The two-year sessions expire on Nov. 30 of the even-numbered year, unless adjourned earlier.

The normal legislative work week is Monday through Wednesday, although a two day week or a five-day week may be scheduled depending upon the amount of business that needs to be accomplished. Legislative committee meetings usually are held on session days or later in the week when "floor votes" no longer are being conducted. (Committees also may meet when no session days are scheduled, such as during the summer or during other recesses.) The generally abbreviated work week in the Capitol is designed to allow legislators to spend time in their home districts.

From bill to law:

Proposed new laws or amendments to existing laws are introduced by individual members in the House and Senate in the form of bills, as required by the constitution. The first step toward introduction of a bill is developing an idea. The idea could be initiated by a legislator or come from other local officials, labor unions, professional associations or concerned individuals. Ideas for laws also can be sparked by federal government regulations or a ruling of the courts. Regardless of the origin of the idea, the legislator sets in motion the gears of the legislative process. How does this occur?

Any bill in a legislative session has 253 chances of being introduced, because each legislator has the power of singly sponsoring a piece of legislation. In most cases, a bill is more likely to be considered if it has more than one sponsor, particularly of members of the majority party or of members of both caucuses.

Introduction of a bill

To have a bill introduced, a legislator sponsoring an idea will send the proposal to the Legislative Reference Bureau where it is written in the proper format by legal experts, copied and placed in blue folders known as "bluebacks." The legislator then signs the bill alone or acts as its chief sponsor and solicits the signatures of other members of the House or Senate interested in the intent of the bill, who then become its cosponsors. It generally is desirable to attain bipartisan sponsorship to assure a bill's acceptance by both political parties, should the measure reach the point of final passage.

The sponsors sign the folders and send them to the chief clerk who names the proposal by giving it a number. House bills are numbered in the sequence in which they are presented to the chief clerk over a two-year term. The bills are delivered to the speaker of the House and assigned to an appropriate standing committee.

A senator introduces a bill by announcing it during a Senate session, then giving it to the president of the Senate, who assigns the bill to a standing Senate committee.

All House and Senate bills are given a number, printed, and distributed to General Assembly members and made available to the public. The bill also is entered into the Legislative Data Processing computer network. They later are identified by both the bill number and printer's number. It is important when following passage of a bill to note the current printer's number of the bill. Each time a bill is amended, it is reprinted and given a new printer's number. The latest version of the bill is the one that will receive further consideration and could vary greatly from prior versions.

During the two-year session of the Legislature, approximately 5,000 bills representing a wide range of subjects are introduced in the House and Senate. There is no limit to the number of bills that may be introduced. Obviously, many of those bills never receive consideration and remain in committee during the entire two-year session. Once the session ends, these bills expire and must be reintroduced in the next session if they are to be considered.

The number of bills introduced each session is far too many to be considered by all 203 members of the House. Instead, a variety of committees were formed to manage the workload relating to screening, studying, debating, and resolving differences over bills.

Sometimes this requires holding committee meetings and public hearings where experts and the public at large can present their viewpoints. In a two-year session, the House averages 700 committee meetings and hearings that are open to the public.

Work of the committees

Once a bill is in a committee, that panel has full power over it. Therefore, the role of the standing committees is a vital one.

Standing committees are like guards at a crucial checkpoint. Thousands of bills are sent their way for initial screening, but many are stopped in committee. In fact, roughly 75% of the bills received in standing committee are never considered because they are identified as irrelevant, too similar to other bills, poor policy, too narrow in focus or a distraction from more vital issues.

Before deciding the fate of a bill, standing committees do one or more of the following:

- Convene committee meetings, which are open to the public, to discuss the matter.
- Hold a public hearing anywhere in Pennsylvania, inviting comment from members of the general public who want the legislators to pass or defeat the bill.
- Refer the bill to a subcommittee for further study. When it is ready to vote, a standing committee can:
 - Table, or set aside, the bill to make it in- active.
 - Change, or amend, the bill.
 - Defeat the bill.
 - Approve the bill.

A committee has no established time schedule for reporting bills back to the house in which they were introduced; however, there are certain components that can affect decisions concerning committee action, such as influence from the governor, majority leadership, the concern of lobbying groups or perhaps the political future of the prime sponsor.

From committee to the floor

After the bill has been reported out by a committee, it moves to the next step in consideration, and the bill takes a brief but traditional detour into the Caucus Room for a round of review. Votes generally are not taken on the floor until each political party has had the opportunity to privately discuss, or caucus, the bill with its members. On major or controversial bills, the caucus attempts to muster full party support or opposition. On issues of conscience, or where the needs of a member's constituents differ from caucus policy, individual legislators may vote against party lines. If the caucus holds, however, it can make or break a bill.

The discussions normally occur at the beginning of each week. But a caucus still can be called once a bill is on the floor if new developments or controversial amendments are introduced. In fact, majority and minority floor leaders can request a recess to discuss these events with their members at any point after a bill reaches the floor until a final vote is taken.

The passage of a bill

Finally, the bill leaves the caucus room and moves to the floor of the chamber. The state constitution requires the full chamber to consider each bill three times, on three separate days, before taking a vote on final passage. The authors of our constitution included this requirement to slow down the legislative process, making sure that the public would have sufficient time to contact their representatives and voice their objections or support of bills under consideration.

"Consideration" of a bill takes a different form on each of the three days. A legislative day refers to a calendar day during which the House or Senate is in session. Legislative days are not necessarily consecutive because the House or Senate recesses from weekends, holidays and on days when members perform legislative business away from the House or Senate floor.

First Day of Consideration -The first day of consideration is a simple debut. Essentially, it is used to announce that the bill has been reported from committee that same day. The clerk reads the number and title of the bill. There is no debate, no amendments are offered, and no vote is taken. Then the bill is automatically tabled, making it inactive for no more than 15 legislative days. Faster action can be taken on the bill if the Rules Committee recommends that it come off the table sooner or if a representative moves to take it off the table and a majority of members agree.

Second Day of Consideration - During the second consideration, the bill's number and title are read again. The entire chamber screens the bill and determines if it has enough information to discuss it. At this stage, members do not debate the merits of the bill itself or vote on its passage. They can add amendments to the bill at this time but seldom do.

Third Consideration - This is the true day of reckoning for a bill - a full debate, including the opportunity to suggest amendments and vote on passage, up or down, by all members. The system has allowed enough time for all interested parties to offer their opinions and for all members to prepare for debate.

Debate over a controversial bill can go on into the evening, filling the chamber with high drama as legislators state their positions with eloquence and emotion. At the close of debate, members vote from their desks. In the House, votes are taken electronically. The Senate uses oral roll call votes. Legislators cannot abstain - each bill requires a "yea" or "nay" vote from every member present. To pass, the bill must receive a constitutional majority.

A "constitutional majority" is composed of more than half of those elected to the House or the Senate, regardless of how many members are present when a vote is taken. In the House of Representatives, with 203 members, 102 votes make up a constitutional majority. In the Senate, with 50 members, 26 votes are a constitutional majority.

A "simple majority" is equal to more than half of those who are present when a vote is taken. A simple majority requires a quorum of members to be present and is a majority of that group. A simple majority is enough to carry any proposition unless otherwise specified by constitution, statute, or rule. Therefore, the smallest legal vote in the Senate could be 14 to 12; while the smallest vote in the House could be 52 to 50.

Certain appropriations bills require a two-thirds majority. In the House, 136 votes are needed; in the Senate, 34 votes are needed when a two-thirds vote is required.

Once passed by one chamber of the General Assembly, the legislation immediately is sent to the other chamber, where it follows the same pattern of action - committee work and three session

days' calendar consideration. If a bill is passed by the House, sent to the Senate and amended there, it must be returned to the House for concurrence. The same procedure is followed if the House amends a Senate bill.

If the originating chamber insists on its version of the bill and refuses to accept changes by the other chamber, two things may happen. Either the amending chamber may agree to remove its amendments, or a conference committee may be appointed.

The conference committee is made up of three members from each chamber. The task of this group is to attempt to reach a compromise, if possible, which then is presented to both houses in the form of a conference committee report on the bill. (However, the committee is not required to issue a report and is under no specific timeframe to complete its work.) Both the House and Senate must adopt the report in order for the legislation to be passed.

Enactment into law

After final passage by the General Assembly, the bill is signed by the speaker of the House and the president of the Senate. The bill then goes to the governor's desk.

The governor has three courses of action when considering the future of a piece of legislation. The bill can be signed within 10 days (30 days at the end of a two-year session) and it becomes law. The bill can be vetoed and returned to the chamber of origin, together with the reasons for the veto. The General Assembly, by a two-thirds vote of both houses, may override the veto, and the bill would become law without the governor's approval. If the governor does not act upon a bill within 10 (or 30) calendar days after it has been received, the legislation automatically becomes law.

Once a bill is approved, it is transmitted by the governor's office to the Department of State for certification, assignment of an act number and filing. The copy then is transmitted to the Legislative Reference Bureau to clean up any possible typographical or technical errors for preparation for the printing of the new law.

The Anatomy of a Bill How to Read a Bill

[Light-face brackets] are used only in bills amending an existing law. They indicate that anything enclosed thereby appears in the existing law, but that it is proposed to omit it from the law as amended. The brackets and anything enclosed by them are carried along into the pamphlet law version of the bill, if the bill is finally enacted; thus, the reader of the pamphlet law can tell the exact date that the bracketed material was removed from Pennsylvania law.

Underscoring is used only in bills amending an existing law. It indicates that the underscored matter does not appear in the existing law, but that it is proposed to insert it in the law as amended. The underscored matter will be carried into the law if the bill is finally enacted.

Ellipses (* * *) are used only in bills amending an existing law. They indicate omitted law which is not proposed to be changed in the bill.

[Dark-face brackets] are used only in bills that have been amended, either in committee or on the floor of either House. They indicate brackets inserted by such amendment and have the same effect as light-face brackets.

Strike out type is used only in bills that have been amended either in committee or on the floor of either House. They indicate that anything so printed appeared in a previous print of the bill but is to be deleted and will not appear in the text of the law if the bill is finally enacted.

CAPITAL LETTERS are used only in bills that have been amended, either in committee or on the floor of either House. They indicate that the matter in capital letters did not appear in the original print of the bill but was inserted into the bill by amendment in either House. The matter in capital letters will be carried into the law, if the bill is finally enacted in ordinary print, unless it is also underscored, in which case it will be printed in italics.

Strike out type and CAPITAL LETTERS indicate only the amendments made to the bill at the last previous state of passage. All prior strike out amendments are dropped entirely from the new print, and all insert amendments previously shown in CAPITAL LETTERS are reset in lower- case type. The one exception to this rule is that a House bill amended more than once in the Senate or a Senate bill amended more than once in the House will, on the second and subsequent printings, cumulate all amendments made in the latter House, so that all amendments in which concurrence by the House of origin is required will stand out.

The line immediately preceding the title of the bill shows the stage of passage at which the amendments appearing on that print were made. All preceding printer's numbers of each bill are shown in consecutive order in a line at the top of the first page of each bill.

This information was obtained from the Website of the Pennsylvania General Assembly at www.legis.state.pa.us.