

Comparing States: Bills and Bill Processing
Information compiled for Legislative Council
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This information was excerpted or summarized from a NCSL document entitled, "Inside the Legislative Process," and the Council of State Governments, "The Book of States, 2013."

Limits: Twenty-one chambers, including the Montana House and Senate, currently impose a limit on the number of bills that a member may introduce or request to be drafted. Although Nebraska eliminated its restraints on bill filings for individual senators, it retained restrictions for committees. Hawaii and Washington eliminated their bill introduction deadlines in the 1980's.

Montana allows unlimited requests prior to Dec. 5 in even-numbered year. After Dec, 5, limited to 7 bill requests, 5 of which must be requested prior to session. Bill requests may be granted to another legislator. After requested, bill may be introduced by another legislator.

Pre-filing. Other methods for streamlining the bill process that are used include pre-filing bills – 78 chambers, including both in Montana, allow pre-filing of bills.

Short-form or skeleton bills. Thirteen chambers (mostly "hybrid" legislatures, Utah is only citizen legislature) allow introduction of a bill in skeleton form and if there is interest in pursuing it a full bill is drafted; it also allows for committees to combine bill drafts. We do not have this method in the Montana Legislature, although committees have the ability to combine bills through amendment.

Carry over. At the end of almost every legislative session, bills remain upon which final action has not been taken. For example, a bill may have passed the house but not have emerged from a senate committee for a final vote. Another way that 43 legislative chambers accelerate bill processing is by allowing bills to carry over from the first year of a biennium to the second. This procedure saves a good deal of time, effort and cost. Carryover bills do not need to be redrafted, and they often retain their place on the floor or in committee. By definition, this applies to annual legislatures.

Companion measures. Companion measures are identical bills introduced in both houses. The purpose of such bills is to speed their flow through the legislative process. Survey respondents from 31 chambers reported that they allow companion bills. Although identical bills may be introduced in both chambers, Montana does not have a mechanism or rules to handle companion measures in this manner. Montana uses the terminology of companion bills to mean bills that contain statutory changes to accompany an appropriation bill because appropriation bills may only contain appropriations and not substantive statutory changes.

Committee bills. Another mechanism used to expedite the legislative process is the committee bill. Committee bills are measures offered by committee in lieu of a bill or bills it has considered. Thirty-seven chambers use this mechanism. Montana allows committee bills.

Introduction Limits Deadline Systems

Three-quarters of all legislatures have deadline systems. In most legislatures, end-of-session logjam is a serious problem. Logjams come about in part because many issues require a good deal of time to resolve because they are complex, controversial or both. There is no reason, however, that the conclusion of the essential bargaining process must be postponed until the end of the session. It can and should occur in stages according to a series of deadlines that offer a reasonable amount of time for both study and compromise.

The five most common deadlines are:

- Bill introductions (73 chambers) – NCSL stated Montana has these but they are “request” deadlines – not deadline for introductions.
- Committee action (47 chambers) – none in Montana
- Action by the house of origin (47 chambers) – Montana JR 40-200 (transmittal deadlines)
- Second house action (40 legislatures) – Montana JR 40-200 (transmittal deadlines)
- Conference committee action (33 legislatures) – none in Montana

Bill introduction deadlines. Nevada has “request” deadlines similar to Montana. Some samples of potential bill “introduction” deadlines in states that are considered “citizen” legislatures (and most have annual sessions) are:

Indiana Senate and House (Annual)

Senate. Set by rule. During the prefilings period (30 days before to organization day), members may introduce an unlimited number of bills. From organization day until the deadline for introductions, members may introduce two per day during the first year of the biennium or one per day during the second year. Concurrent, joint or chamber resolutions are exempt from the limit.

House. Imposed in 1973, the year the legislature changed to annual sessions. Set by rule. Members may introduce an unlimited number of bills during the first year of a biennium (the odd year), but they may author only five bills during the second (even) year.

Kansas Senate (Annual)

Joint Rule 4(b). (b) Bill introduction deadline for individual members. Except as provided in (i) of this rule, **no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 13, 2013, during the 2013 regular session** and on February 12, 2014, during the 2014 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house. (2013 Session: January 14, 2013 – June, 20, 2013, reconvene January 13, 2014. First two weeks Tues. through Fri., remainder of session usually 5 days/week.)

Rule 32 (in part). Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq., and amendments thereto, may be referred by the President to the

appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate.

Maine Joint Rules (Annual)

Rule 205. Filing after Cloture.

Any request for a bill or resolve submitted to the Revisor of Statutes by a Legislator, a department, agency or commission after the appropriate cloture date must be transmitted to the Legislative Council. The council shall ascertain from the sponsor the facts supporting the request notwithstanding cloture. If a majority of the council approves, the legislation is eligible for introduction as other legislation that is in compliance with Rule 202 or 203.

Rule 206. Sponsorship.

1. Number; Governor's Bills. A bill, resolve, order, resolution or memorial may have up to 10 sponsors: one primary sponsor, one lead cosponsor from the other chamber and 8 cosponsors from either chamber. By mutual agreement the presiding officers may authorize additional cosponsors on a case-by-case basis. Each bill or resolve requested by the Governor or a department, agency or commission must indicate the requestor below the title.

2. Duplicate Requests; Chamber of Origin. **For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests.** A bill, resolve, order, resolution or memorial having cosponsors must originate in the chamber of the primary sponsor.

3. Indian Representatives. The member of the Penobscot Nation, the member of the Passamaquoddy Tribe and, at the beginning of the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected or appointed to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

Mississippi House (Annual)

(SUBSECTIONS (1) THROUGH (3) ARE SIMILAR TO OUR “BLAST MOTION” WITH THE EXCEPTION THAT THERE ARE TIME LIMITS FOR COMMITTEE CONSIDERATION.)

95. (1) Except as otherwise provided in subsections (2), (3), (4) and (5) of this rule, every House bill, resolution or measure referred to any committee, and not reported therefrom with a recommendation by the twenty-seventh day of a ninety-day session and by the sixty-second day of a one-hundred-twenty-five-day session, and every Senate bill, resolution or measure referred to any committee, and not reported therefrom by the fifty-fifth day of a ninety-day session and by the ninetieth day of a one-hundred-twenty-five-day session, may be withdrawn from the committee on a motion made in writing, which motion must be read by the Clerk immediately upon its introduction, setting forth the reasons why the bill should be withdrawn from the committee, by a vote of two-thirds (2/3) of the members present and voting. It may then be taken up and considered by the Committee of the Whole House in accordance with the procedure set forth in House Rule 56, or, by a two-thirds (2/3) vote of those

present and voting it may be recommitted to a standing committee. During extraordinary or special sessions of the Legislature, any bill, including an appropriation or revenue bill, may be withdrawn from committee after three (3) days from the date of reference. A motion to withdraw a bill from a committee shall not be voted upon by the House on the day which the motion is made, except upon suspension of the rules by a two-thirds (2/3) vote of those present and voting.

(2) Any House appropriation bill or revenue bill referred to the House Appropriations Committee or the House Ways and Means Committee and not reported therefrom with a recommendation within ten (10) legislative days after referral may be withdrawn from the committee in accordance with the procedure set forth in subsection (1) of this rule if the motion for withdrawal is made by the fiftieth day of a ninety-day session and by the eighty-fifth day of a one-hundred-twenty-five-day session.

(3) Any Senate appropriation bill or revenue bill referred to the House Appropriations Committee or the House Ways and Means Committee and not reported therefrom with a recommendation within ten (10) legislative days after referral may be withdrawn from the committee in accordance with the procedure set forth in subsection (1) of this rule if the motion for withdrawal is made by the seventieth day of a ninety-day session and by the one-hundred-fifth day of a one-hundred-twenty-five-day session.

(4) For the purposes of this rule, the term "revenue bill" shall include only those bills whose primary purpose is to increase or decrease taxes or to authorize the issuance of bonds or the borrowing of money. Bills which are primarily for regulatory purposes which have revenue provisions included shall not be considered as revenue bills for the purposes of this rule. **(NOTE: THIS PROVIDES MORE DETAIL TO A DEFINITION OF "REVENUE")**

North Dakota Senate and House (Biennial) BEST EXAMPLE.

Senate. Set by rule. No member other than the majority and minority leaders may introduce more than three bills as prime sponsor after the 10th legislative day. After the 15th legislative day, no bills may be introduced nor any resolutions after the 18th legislative day. Authorization to exceed the limits takes a majority vote of the Delayed Bills Committee or a two-thirds vote of the full Senate. (Session 2013 was January 8 through May 4; 80-day session set by Constitution.)

House. Set by rule. No member other than the majority and minority leaders may introduce more than five bills as prime sponsor after the fifth legislative day. After the 10th legislative day, no bills may be introduced nor any resolutions after the 18th legislative day. Authorization to exceed the limits takes a majority vote of the Delayed Bills Committee or a two-thirds vote of the full House.

Wyoming Senate (Annual)

First adopted in 1994; set by rule. Senators may introduce seven bills during the first session of the biennium and three during the second. Appropriations bills are excluded from the limit. The limit may be suspended by two-thirds vote.

Committee action/conference committee action.

Indiana Senate Rules

49. (a) Whenever the President Pro Tempore of the Senate shall assign a filed Senate bill or joint resolution to a standing committee, the **assignment shall be made within seven (7) calendar days following the last day for filing Senate bills and joint resolutions** and shall cause the bill or joint resolution with the committee assignment to be set forth on a bill filing list.

65. After a committee, other than the Committee on Rules and Legislative Procedure, has had a bill under consideration for six (6) days (Sunday and the day of its introduction not included) the author of such bill or any member of the Senate shall have the right to call the attention of the Senate to such fact. A bill or resolution shall remain in the possession of the committee to which it was assigned unless two-thirds of the Senators elected shall vote to bring the bill or resolution to the floor. A bill or resolution brought to the floor by a vote under this Rule 44 shall be considered by the Senate as if such bill or resolution had been reported without recommendation. **(LIKE A "BLAST MOTION")**

87. (j) In the first regular session, **no conference committee report is eligible for consideration after April 10, unless approved by the Committee on Rules and Legislative Procedure.**

(k) In the second regular session, no conference committee report is eligible for consideration after March 4, unless approved by the Committee on Rules and Legislative Procedure.

Kansas Senate

Rule 11. Committee Action on Bills and Resolutions. (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the Senate. **Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.**

Maine Joint Rules

Rule 309. Notice to Report.

The **President of the Senate and the Speaker of the House shall jointly establish reporting deadlines for all bills and resolves referred to committee** and each committee shall, after receiving notice of the reporting deadlines, report its bills and resolves out of committee to the floor for consideration in accordance with those deadlines.

Rule 352. Committees of Conference.

When the chambers do not agree on an action, a committee of conference is in order. A committee of conference consists of 3 members from each chamber who voted on the prevailing side. **A committee of conference shall meet and submit a report within 10 legislative days to the chamber asking for the conference.** The report must be agreed to by a majority of the members from each chamber. The committee report may be that it is unable to agree. The committee report may be either accepted or rejected, but no other action may be had except through another committee of conference. If necessary, a new committee of conference may be formed.