

The Legislative Process

Typically, at meetings of the Senate or the House of Delegates, the order of business is as follows:

- Presentation of petitions, memorials and other papers.
- Presentation of orders.
- Introduction of bills.
- Introduction of resolutions.
- Introduction of visitors.
- Laid over bills and unfinished business.
- Reports of Standing Committees.
- Reports of select committees.
- Special orders of the day.
- Bills and resolutions ready for third reading.

While the session is adjourned, you will find committee meetings scheduled for consideration of proposed legislation.

From 'Hopper' to Enactment

The drafting of legislation requires the skill of experienced and trained personnel. This service is rendered by the Department of Legislative Reference. A bill or joint resolution may be introduced in advance of the regular session and is styled a 'prefiled bill'. A bill is filed ('is dropped into the hopper') with the secretary of the Senate or Clerk of the House, is given a number, and is readied for its first reading on the floor. Bills may be introduced either in chamber until the last 35 days of the session. After that, bills may be introduced with the consent of two thirds of the membership.

First Reading

The Reading Clerk, when the session has convened, reads the title and the presiding officer assigns the bill to the appropriate committee.

Reference to Committee:

The committees meet daily during the session to receive testimony and take action on bills assigned. Citizens are encouraged to present their views on the subject matter by mail or by personal appearance. Legislative agents (lobbyists), representing organized interest groups, speak at these hearings, either to oppose or support the proposed legislation. The Department of Fiscal Services prepares a fiscal analysis for each bill and these fiscal notes are considered during the committee deliberations. Unfavorable committee action, which may mean legislative 'death', frequently requires as much, or more, committee discussion and time as favorable committee action, which sends the bill to the floor for the second reading and floor consideration.

Second Reading and Floor Consideration

The bill is reported to the floor by the committee (favorably, unfavorably, or without recommendation, and with or without committee amendment). It is open to amendment from the floor and the ultimate form of the bill must be determined on second reading. Committee action may be reversed but this is infrequent.

Third Reading

The bill must be printed for third reading with all amendments and included in this final version. No amendments may be presented on third reading in the chamber of its origin, and the bill must be passed by a majority of the elected membership.

Second Chamber

The procedure follows a pattern identical with that of the chamber in which the bill originated, except amendments may be proposed during third reading as well as second reading. If not amended in the second chamber, final passage may occur without reprinting.

Consideration of Bills Originating in One Chamber and Amended in Second Chamber

If amended in the second chamber, the bill is returned to the chamber of origin where a vote is taken on a motion to concur or reject the amendments. If concurrence is voted, the bill itself is voted on as amended and action is complete. The bill is reprinted, or enrolled, to include the added amendments before submitting it to the Governor.

If the amendments are rejected, two courses of action are possible: (1) the amending chamber may be requested to withdraw its amendments, or (2) upon refusal of withdrawal of amendments, either chamber may request a conference committee to resolve the differences between the two chambers.

Conference Committee

A report of a conference committee goes back to both chambers to be adopted or rejected without amendment. If the conference Committee report is adopted, the bill is voted upon for final passage in each house. If the Conference Committee report is rejected by either house, the bill fails.

Presentation of Bills to Governor

Presentation of all bills, except the budget bill and constitutional amendments, to the Governor is mandatory. The budget bill becomes law upon its final passage and cannot be vetoed. Bills must be presented to the Governor within twenty days following adjournment of a session, and in the case of such bills, the Governor may veto within thirty days after presentation to him/her. If he/she does not veto a bill, it becomes law. The Governor may not veto a constitutional amendment.

Power to Override a Veto

The power to override a veto rests with the Legislature. If a bill is vetoed during the regular session, the veto message is considered immediately. If a bill presented after the session is vetoed, the veto message must be considered immediately at the next regular or special session of the Legislature, except the Legislature during the first year of a new term may not override a veto. A three-fifths vote of elected membership in each chamber is necessary to override a veto.