

## HOW A BILL BECOMES A LAW

\*formally and behind the scenes

# A LONG ROAD STANDS BETWEEN AN IDEA AND A LAW



A WHOLE MESS OF FORMAL PROCESSES MUST HAPPEN BEFORE A LAW MAKES IT ON THE BOOKS, AND A WHOLE MESS OF BEHIND-THE-SCENES SHENANIGANS USUALLY HAPPEN TO EITHER SUPPORT OR OPPOSE THE BILL THROUGHOUT THE MANY STEPS OF THAT PROCESS. MOST EXAMPLES OF HOW A BILL BECOMES A LAW LAY OUT THE FORMALITIES, AND UNDERSTANDING THAT PROCESS IS IMPORTANT TO KNOWING THE ARIZONA LEGISLATURE. BUT WE'LL TAKE YOU THROUGH THE INFORMAL STEPS, TOO, TO SHOW HOW A BILL REALLY BECOMES A LAW IN ARIZONA.



© Rob Richards 1977



We love Rob Richards' "Arizona bill to law" pamphlet, which is available online and as a printout for Arizona Capitol tourists.

Richards, an Arizona artist, [drew the 1977 publication shortly after high school](#) — his mother was the chief clerk at the Arizona House of Representatives at the time and wrote the text. It offers a simple flowchart explaining the legislative steps on cartoon character "Arizona Bill's" quest to become law.

# LET'S START AT THE VERY BEGINNING: WHEN A CANDIDATE FIRST DECIDES TO RUN FOR OFFICE



A citizen decides to run for the Arizona Legislature to represent their area in one of 30 legislative districts, either in the House (two seats per district) or the Senate (one seat per district).

To pay for the campaign, candidates turn to friends, family, neighbors and lobbyists for money. And that's when the influence-peddling starts. Candidates ask for, and lobbyists offer, large sums to candidates' campaigns. Importantly, lobbyists also host fundraising parties for candidates and pool money from their clients into committees that can spend on behalf of candidates.

Immediately after the November election, winning candidates gather at the Capitol to select their Republican and Democratic leadership teams, respectively, including the speaker of the House and Senate president. The speaker and president choose committee chairs, who ultimately decide whether bills will be heard in their committees.

Often, committee chairmanships are given to the members who promised and delivered their vote to the prevailing leader. Although these days voting for leadership is done by secret ballot, it used to be a voice vote so members could not promise their vote to more than one person to hedge their bets.

These steps all play critical roles in what becomes a law — the people who are elected try to pass certain policies, and the lobbyists who have an interest in an issue draw on their past support of lawmakers



to make a case for a bill. Those in leadership hold a lot of power in what moves forward, as you'll see as we move through the bill process.

Contrary to the Schoolhouse Rock version of civics, a lawmaker is often not the one who comes up with ideas for bills or writes them.

Before session starts, lobbyists are hard at work writing draft legislation to benefit their clients in the upcoming legislative session.

A bill is born as a bill folder at Legislative Council, the office staffed by a nonpartisan team of lawyers charged with actually drafting legislation into proper form for lawmakers. (Lobbyists and citizens can open bill folders on a lawmaker's behalf, too.)

Legislative Council gives the original bill, called an "intro set," to the lawmaker under whose name the bill folder was opened. That lawmaker can decide not to sponsor the bill and instead hand it off to a colleague or a lobbyist to find a new sponsor.

Lobbyists and lawmakers often hang around the Capitol in early January [carrying intro sets in blue folders](#), looking for sponsors for their bills. Lawmakers do the same, looking for co-sponsors.

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P	A	R	T	Y
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# HERE'S WHERE WE CATCH UP WITH THE FORMAL PROCESS AND THE KEY TERMS THAT YOU'LL REGULARLY HEAR AROUND THE CAPITOL

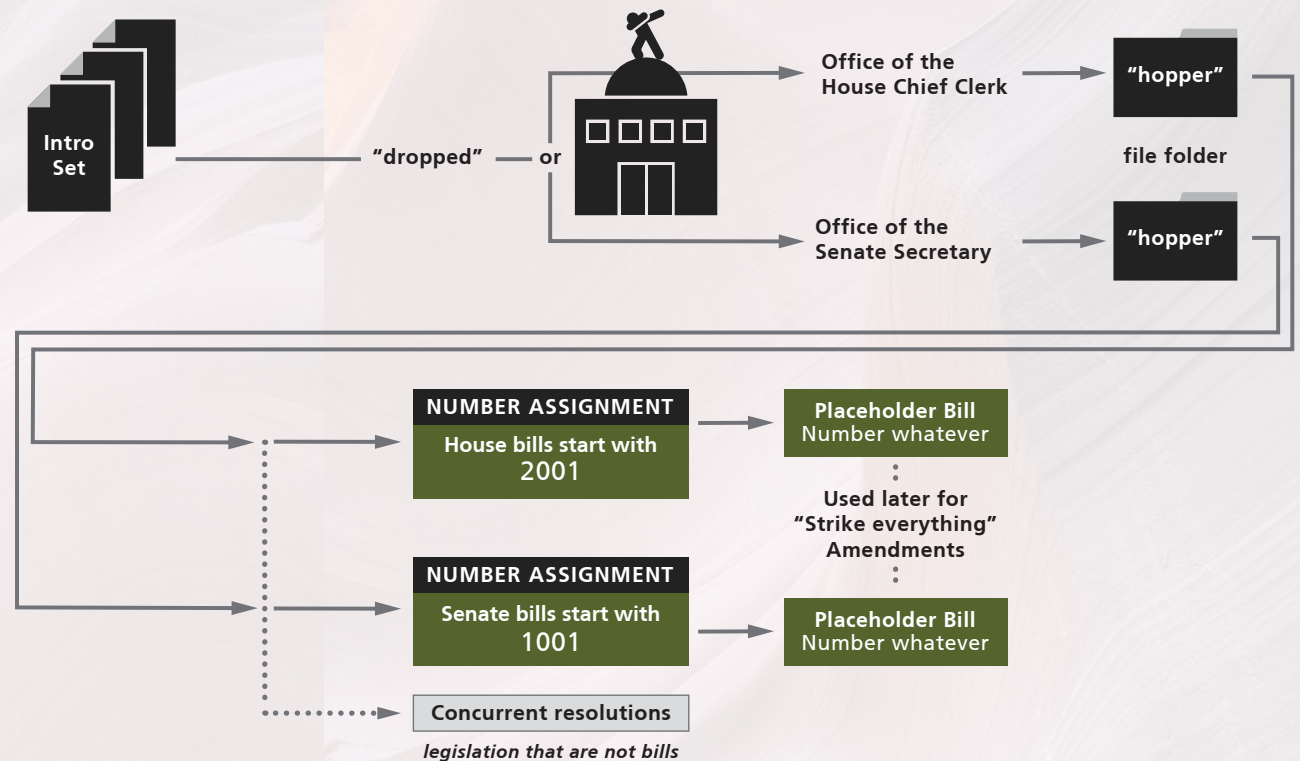


A lawmaker formally introduces a bill by “dropping” the intro set into the “hopper,” a file folder in the House Chief Clerk’s Office or Senate Secretary’s Office. Bills are assigned a number. Senate bills start at 1001 and House bills start at 2001.

There are several types of legislation that are not bills: “Concurrent resolutions,” for instance, do not require the governor’s signature and can be used to state the legislature’s position on an issue. They can also call for a vote of the people on a change to the Arizona Constitution or state statutes.

Some bills require more than a simple majority vote. Changes to laws enacted by voters via the “initiative process” require a three-fourths vote in each chamber (and must further the intent of the initiative), while laws that increase taxes or laws with an “emergency clause” that let them take effect immediately require a two-thirds vote in each chamber.

Many bills dropped in the hopper are simply technical corrections, clean-ups to existing statutes, which serve as placeholders for “strike-everything” amendments later in the process.



## PROCESS REQUIREMENTS FOR VOTING ON A BILL

### SIMPLE MAJORITY VOTE

16 votes in the Senate  
31 votes in the House

### VOTER INITIATIVE

3/4 vote in each chamber

### TAX INCREASE OR EMERGENCY CLAUSE

2/3 vote in each chamber

# IT'S NOT THE DESTINATION, IT'S THE JOURNEY



**ONCE A BILL IS  
INTRODUCED, THE  
RACE IS ON TO BEAT  
SEVERAL DEADLINES  
TO STAY "ALIVE."**

We'll follow a fake bill, House Bill 2001, but the process is mirrored for bills originating in the Senate. We'll game out the process like we want HB2001 to pass, though many of the hijinks at the Capitol are used to ensure a bill dies.

First, the speaker assigns HB2001 to committees. All bills are assigned to the Rules Committee and at least one other relevant committee.



— — ○ BUT, here's the first potential hurdle: The speaker may assign a bill to multiple committees if it touches on topics under the purview of multiple committees or if they want the bill to face tough odds.

**If the speaker doesn't assign a bill to any committees, it'll die at the first deadline for House committees to hear House bills.**



However, nothing is ever really dead until "sine die," a Latin phrase used to describe the official closure of a legislative session. The speaker and Senate president are near omnipotent and can resurrect any dead bill, even after a deadline has passed, and move it through the process. There are no real rules when you can suspend the rules at any time with a simple majority vote.

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## HB2001 GETS "DOUBLE ASSIGNED" TO THE JUDICIARY, GOVERNMENT AND RULES COMMITTEES.

The House "second reads" the bill on a separate day. The Arizona Constitution requires bills be "read" on three separate dates to ensure bills aren't rushed through the process (though that requirement can be waived with a two-thirds vote).

In old times, the "House reader" actually read the whole bill aloud to ensure any illiterate lawmakers understood. These days, they just read the bill number and title in rapid-fire auctioneer fashion.

The chair of the House Judiciary Committee schedules HB2001 for a hearing. In the House, the bill cannot be heard in the Government Committee until the Judiciary Committee has approved it (not true in the Senate). If either committee chair doesn't schedule it for a vote or if it fails during a committee vote, the bill is dead.

Next, committees consider bills. This can include hearings, expert testimony and comments from the general public (that's you!). In a committee hearing, a bill can be amended and voted on.

Committee chairs rarely put a bill up for a vote unless they're sure it has support to pass, so bills almost never die from a committee vote unless they're trying to make a point publicly. Instead, they die by not receiving hearings in the first place.



HOWEVER, a bill is never really dead: A clever sponsor can always revive a bill as a strike-everything amendment, also known as a "zombie bill," later in the session.

**Thankfully, HB2001 passes both committees without amendments.**

# IT'S NOT THE DESTINATION, IT'S THE JOURNEY



After committee hearings, a bill is ready for the Rules Committee, which votes on whether bills are constitutional and written properly. If the Rules chairman schedules a vote, committee members are free to disregard the advice of their lawyers about whether the bill is constitutional, which they frequently do.



Every bill must pass the Rules Committee, making the chair nearly as powerful as a speaker, capable of killing bills, and, frequently, “holding bills hostage” — exerting the leverage of their position by demanding other legislation pass before they’ll schedule votes.

**If the Rules chair is the only person in the House or Senate who dislikes HB2001, this could be the end of the line.**

## **But thankfully, HB2001 clears Rules.**

A bill next heads to “caucus” — where House Republicans and Democrats meet separately to discuss their thoughts on the bill. Lawmakers don’t vote in caucuses, which serve as a chance to hash out disagreements about the bill within the party ranks.

After caucuses comes the Committee of the Whole, referred to as “COW.” During COW, the whole House will debate a bill, formally adopt or vote down any amendments approved in committees and/or offer entirely new “floor amendments” on the fly.

A bill can be considered as part of a batch of noncontroversial bills on the COW “consent calendar,” a fast-track that allows those bills to skip floor debate. But one lawmaker doesn’t like HB2001, and during caucus, they object to its placement on the consent calendar so that they can offer an amendment on the House floor.

**HB2001 enters COW, the most chaotic part of the bill-passing process. Lawmakers start yelling out their votes, creating a chorus of “ayes” and then “nays.”**

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While most votes in COW are by voice, any lawmaker can ask for an official, recorded “roll call” vote during this part, either on a bill or any amendments. Lawmakers in the minority often use that process to force votes on issues contained in bills that never received a committee hearing and to put their opponents on the record about specific issues for the next campaign cycle.

Much of the sausage-making of getting a bill passed happens behind the scenes, in the decisions to not schedule hearings or votes. Amendments get drafted to appease stakeholders or a certain lawmaker, meaning amendments get cast as “friendly,” or amenable to the sponsor, or “hostile,” something the sponsor hasn’t seen or doesn’t agree with.

If it appears that the voice vote is close, opponents can call out “division.” The House pages scramble to round up any straggling lawmakers and bring them to the floor for a standing vote.

As with committees, bills rarely die during COW votes. Instead, they die because the speaker refuses to schedule the bill for a vote or they get “retained on the calendar” for lack of support within the chamber.

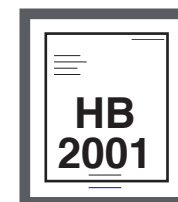
**If a lobbyist who opposes HB2001 takes the speaker out to a nice steak dinner and convinces him to “hold the bill,” this could be the end of the line.**

**Our HB2001 passes COW with some floor amendments to appease its critics, and the speaker schedules it for a “third read” — a roll-call vote by the entire House.**

Third reads are the last vote in a given chamber, though, as you’ll see, there are various other ways to interrupt and extend the process. Though every lawmaker present must vote during a third read, lawmakers sometimes “take a walk,” or leave the chamber briefly to avoid controversial votes. A majority in the House is always 31 votes, even if only 31 of the 60 lawmakers are present.

If the bill is going to fail, its sponsor may switch their vote at the final minute and call for “reconsideration” which allows them time to convince fellow lawmakers and bring the bill back for a second-chance vote.

**The House passes HB2001 and sends the bill to the Senate. Just one more chamber to go!**





# IT'S NOT THE DESTINATION, IT'S THE JOURNEY



If a bill doesn't pass its chamber of origin by the "crossover week," the deadline for bills to cross over to the next chamber, it's dead.

During crossover week, the House and Senate spend long days and nights on the floor, COWing and third reading bills to keep them alive. The deadline to hear bills in a committee is the week before crossover week, so the committee agendas are packed and hearings often go late into the night as lawmakers push to keep their bills alive.



Lawmakers can also "fast track" bills by working together to sponsor "mirror bills" in the House and Senate. The House and Senate simultaneously pass the same bill (with the same amendments, if any) and then "swap" one version for another, sending the bill on to the governor in half the time. Mirror bills are recognizable by the periods after their short title.

HB2007	schools; drug violations; reporting options
HB2008	schools; academic standards; civics instruction
HB2009	violations of state law; schools
HB2010	first response; drug

**THERE'S AN OLD SAYING THAT THE  
SENATE IS WHERE HOUSE BILLS  
GO TO DIE, AND VICE VERSA.**

**Getting out of the chamber of origin was the easy part. But now HB2001 faces the same process in the Senate, except with new lawmakers and without the benefit of its sponsor's relationships in the House.**

Because there are fewer bills still "alive" after the crossover week deadline, HB2001 also faces increased scrutiny from lawmakers and lobbyist opponents.

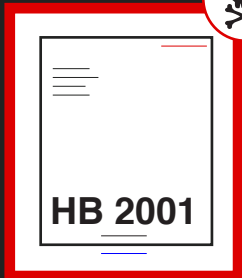
A FEW PATHS LIE AHEAD FOR A BILL MOVING TO THE SECOND CHAMBER:

- It can pass all of its assigned committees, COW and a third read vote without any added amendments. Then, it'll go back to the House, which does not vote again, but sends the bill to the governor to either sign or veto.
- If the Senate approves a bill, but adds amendments, the bill sponsor can decide to "concur with the amendments" or reject them. If the sponsor concurs, the House takes a "final vote" on the amended bill and sends it to the governor. If the sponsor rejects, the bill heads to a "conference committee" made up of a few lawmakers from each chamber who will try to find an amendment that both the House and Senate can live with.
- Conference committees are usually rubber-stamp committees approving agreements hashed out behind closed doors.
- Most conference committees are designated as "free" to add whatever language it wants to the bill as long as it's relevant to the bill's subject, including new language that has never been discussed in another committee. Sometimes, though, legislators create "simple" conference committees that have to stick to considering just the language from the House and Senate versions of the bill.
- The conference committee can vote to amend and pass the bill, which would then go to the House and Senate for a "final vote" in each. If lawmakers in both chambers approve, it's sent to the governor. If the conference committee can't find a way to salvage the bill, it dies here.

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UNFORTUNATELY, THE SENATE PRESIDENT ASSIGNS HB2001 TO THREE COMMITTEES PLUS THE REQUIRED RULES COMMITTEE. A CHAIRMAN OF ONE OF THE COMMITTEES REFUSES TO PUT IT UP FOR A VOTE. IF 18 SENATORS, THREE-FIFTHS OF THE CHAMBER, SIGN A "DISCHARGE PETITION," THE PRESIDENT WOULD HAVE TO "RELEASE IT," FROM THE COMMITTEE, BUT NOT ENOUGH ARE WILLING TO SIGN.



## OUR HB2001 IS EFFECTIVELY DEAD.

BUT DON'T PLAN THE FUNERAL JUST YET.

Luckily, HB2001 has another chance.

Lawmakers can hitch HB2001 to a different bill to take it across the finish line. The bill used, a technical correction that becomes a "vehicle bill," was serving as a placeholder for reviving dead bills or offering whole new ones late in the session. The underlying bill doesn't need to be related to the language in the strike-everything amendment in any way.

SB1001 has already passed the Senate and is scheduled for a hearing in a House committee. The bill's sponsor was using it as a placeholder as a favor to a lobbyist who was late drafting bill language and needed to get around the deadline to introduce bills, but that bill language never appeared.

The committee votes to adopt the "striker" amendment replacing all the language in SB1001 with the language of HB2001.

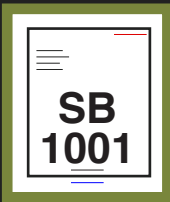


## HB2001 IS REBORN AS A ZOMBIE BILL, SB1001.

# IT'S NOT THE DESTINATION, IT'S THE JOURNEY



**AFTER OUR NEW SB1001 GOES TO THE FULL HOUSE, AGAIN,  
FOR COW AND A THIRD READ, IT HEADS BACK  
TO THE SENATE FOR CONCURRENCE AND A FINAL VOTE.**



If the Senate refuses to concur with a strike-everything amendment, the bill would go to a conference committee for a compromise amendment, then back to each chamber for a final vote.

Strike-everything amendments circumvent the normal deliberation process. This is why it's commonly said that no idea, no matter how unpopular, is ever really dead at the Arizona Legislature. Anything can be revived as a striker, and usually it's something that wouldn't have passed through the regular process.

**The ideas behind HB2001 were never vetted  
or approved by any Senate committees,  
including Rules, because they heard the old  
version of SB1001.**



**FINALLY, OUR BILL  
IS READY FOR  
THE GOVERNOR.**



**All that effort it took HB2001 to pass the House, die in the Senate, get reborn in the House and pass both chambers might be for nothing if the governor doesn't like it.**

The governor can either sign a bill or allow it to become law without his signature. If he takes no action on a bill during the five days after he receives it (or ten days after the session adjourns), it becomes law anyway. These laws become part of the Arizona Revised Statutes.

The governor may veto a bill, but would be required to send it back to the chamber of origin, saying why it was vetoed. The House and Senate could then override the governor's veto by a two-thirds vote in each chamber.

Most bills that make it to the governor get signed — largely because any real objections were likely addressed in the legislative process or because the governor's office stopped a bad bill in its tracks before it hit the executive tower.

Sometimes, a governor will use a veto to send a message unrelated to the bill. For instance, if the legislature is falling behind on creating a budget — its most important and only vital task — the governor may start vetoing other bills until budget progress happens.



**The governor decides to “pocket sign” SB1001 by neither signing nor vetoing it for five days.**

Smart lobbyists and lawmakers meet with the governor's staff before introducing a bill and lobby the governor and his policy advisors before the bill reaches the governor's desk. They'll also have their clients who contributed to the governor's campaign or other major interests call in favors on the bill's behalf.



## **SB1001, A ZOMBIE BILL CONTAINING OUR HB2001, BECOMES LAW.**



**As you can see, getting a bill to become a law isn't easy. Most bills face long odds, and sometimes lawmakers try, repeatedly, for years to advance legislation until it finally succeeds. Most bills don't ever succeed, and that's probably for the best.**

You'll notice that many elements of the bill-making process don't include the public. The public's options for involvement vary depending on the route the bill takes, but in general, you have a few places to make your voice heard:

- Attend a committee hearing and testify
- Sign up to use the legislature's Request to Speak system to digitally register your support or opposition to any bill. ([There's a manual that explains how this system works.](#))
- Write to lawmakers who head committees or sit on committees that the bill will come before
- Hold a protest or rally speaking for or against a piece of legislation
- Contact the governor's office, asking them to sign or veto a bill
- Vote for (and contribute to) lawmakers who reflect the kinds of policies you want to see enacted
- Gather signatures to refer a law you hate to the ballot or put your own initiative before the voters

Keep in mind: Not all "grassroots" involvement you see in the above list is actually very grassroots or genuine. These days, paid groups coordinate robocalls, email templates, form letters and protests on behalf of clients or employers.

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