

Research on State Legislature Policies Regarding Amending Bills at the End of a Session

Discussion of state legislative policies that impact the practice of “gut and amend/strip and amend/gut and stuff”

Discussion Background: Taking into consideration that the California Legislature has rules supposed to prevent last minute changes, about 30% of bills rewrote in last three weeks of the 2011 session were amended after the Legislature’s deadline for making amendments.

- At end of 2011 CA session, legislature wrote 48 bills in last three weeks of session, long after deadlines for most law-making procedures had passed. 22 were sent to Governor; 19 were signed.

What policies affect how bills are amended and reconsidered?

Amending and reconsidering bills in state legislatures depend on:

- **State Constitutional language/restrictions**
 - Show Examples of constitutional language –California and other states
- **Chamber rules:** The policies and protocol for amending or changing a bill vary by state and within the legislative chambers—House and Senate
- **Specific policies on Germaneness--Single source/topic rules**
 - Germaneness Requirements: Germaneness is usually defined as “in close relationship, appropriate, relative or pertinent to”. The principle of germaneness “lies in the need for orderly legislation, according to *Parliamentary Law and Procedure*.
 - 80 legislative bodies report they have chamber rules on germaneness of amendments or motions; most legislative assemblies enforce germaneness provisions in committee as well as on the floor (this includes California)
 - 40 state constitutions contain a provision that requires a bill to address or contain a single subject
 - ***States that bar amendments that change purpose of bill:***
Michigan, Mississippi, North Dakota, Texas, Arizona, Louisiana, Washington
Oregon: “Relating to Clause” is another element—“In Oregon, a bill may only address one subject, and for this reason the relating-to clause becomes an important element of the bill—relating to clauses may be broad or narrow
- **Amendment policies for amending on the floor or in committee, and/or after second or third reading**
 - Policies for reconsideration of bill, which vary from committee to floor, contain specific requirements for who and when one can propose reconsidering a bill action.
- **Deadlines established for amending at the beginning of session or bill introduction, and policies for amending at the end of session**

(Source: National Conference on State Legislatures, “Inside the Legislative Process” (electronic document-research tool on state legislative processes)

One Response to California's last minute gut and amend practices:

The think tank California Forward is rolling out a ballot proposal for the November 2011 election to reform California's fiscal and governance issues that includes provisions for shifting to a two-year budget and curbing last -minute legislative amendments by requiring that all bills are made available to the public and in print for three days before Legislature could act on it to "give transparency and sunshine to process."