

# **Arizona Legislative Manual**

2003  
Edition

**Arizona Legislative Council  
Phoenix, Arizona**

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# Preface

The Arizona Legislative Manual is the product of the Arizona Legislative Council staff with the helpful input and support of several members of the Legislature and the legislative staff. Moreover, many organizational ideas and features were inspired by the published works of others, notably *The Arizona Legislature* by Professor Charles W. Wiggins, Ph.D. (1974); *From Idea To Bill To Law* by State Senator Randall Gnant (2nd ed., 1996); *Mason's Manual of Legislative Procedure* (2000), the "Guide To The 45th Legislature" published by Arizona News Service and handbooks and manuals generously contributed by the legislatures of many other states.

This manual reflects the common use of various terms in the legislative environment that may occasionally cause confusion for the uninitiated reader. The words "chamber" and "floor" are used interchangeably to refer to the area (or arena) in the Senate and the House of Representatives where the membership of the entire body meets for debate. "Chamber," "body" and "house" are also used to refer to either the Senate or House of Representatives as an institution (including the physical facility, the membership and the staff). If "house" is not capitalized, that is the intended usage, but if "House" is capitalized, it is an abbreviated reference to only the House of Representatives.

People who work in and closely with the Legislature usually refer to the measures being considered collectively as "bills." This is inaccurate and incomplete because resolutions and memorials are also introduced and considered by the Legislature along with bills. This manual attempts to use terms such as "measures" or "legislation" for generic reference to the items under consideration by the Legislature and use "bill," "resolution" and "memorial" only when discussing the unique features of those individual types of legislation. Nevertheless, there may be occasional occurrences of the use of "bill" in a general, rather than the specific, sense, and the reader must read those uses in context to understand the accurate meaning.

This manual reflects the fact that there is no official legislative protocol in Arizona regarding the use of "chairman," "chairperson" and "chair" in reference to the presiding member of a legislative committee. All of these words are in contemporary and accepted use in the Arizona Legislature without any intended or understood gender exclusivity or political correctness or incorrectness.

The Arizona State Senate and House of Representatives have equal status in the Legislature. This manual does not use the terms "upper house" or "lower house" because they are inaccurate and carry an incorrect connotation of superiority and inferiority. Nor is there any implied priority in listing "Senate" or "House of Representatives" first in a sentence. The only time such an order may be significant is if there is some chronological order in a particular legislative process. If there is any such instance, the procedural order will be noted in the text.

Finally, this manual is not intended and should not be read to be an official statement or description of the rules, procedure or policy of the Arizona Legislature. It is not an "official" legislative document. Instead, it is a narrative of what the Legislature is and what goes on in the Legislature and restates in its own words the actual requirements and practices that are prescribed by the constitution, laws and rules for the Arizona Legislature.

# Chapter One

## The Legislative Function

**T**he Legislature is a complex institution with traditions rooted in Colonial American and European experience, but it is also a contemporary institution in which politicians with strong personalities and political philosophies deal with current problems, interests and strategies in a way that easily overwhelms a casual observer. The Legislature touches the life of every person in this state. With such power focused in a complex organization using arcane proceedings, it is easy for the ordinary citizen to become disconnected and distrustful of government that, in the final analysis, exists solely to benefit the public. This manual is devoted to describing the Arizona Legislature and what it does so that interested citizens and new lawmakers can better understand how their Legislature operates and can be more effective in participating in the legislative process.

The American system of government recognizes three broad functions properly assigned by the public to its representatives. These functions are reflected in the separate branches of government traditional in the United States: The legislative or lawmaking function, the executive or administrative function and the judicial or adjudicatory function.

In Arizona, the people only partially delegated the legislative power to the state government. The Constitution of Arizona provides:

*The legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives, but the people reserve the power to propose laws and amendments to the Constitution and to enact or reject such laws and amendments at the polls, independently of the Legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any Act, or item, section, or part of any Act, of the Legislature. (Article IV, part 1, section 1.)*

### The Legislature

The Legislature is a permanent organization established to enact state laws and perform other duties that are appropriate to the legislative branch of government. The lawmaking function is certainly its most visible activity, performed annually in formal regular and special sessions. The Legislature is organized specifically for deliberating issues of public concern and resolving problem areas and conflicts among competing proposals and interested parties. The system of committees and multiple stages and forums for hearings and debate is designed to provide the opportunity for a thorough consideration of proposals before they can affect the public as new laws, as changed or amended laws or as repealed laws.

Aside from lawmaking, however, the Legislature performs several additional important functions that allow state government to operate in a normal productive manner. In a pure or direct democratic political system laws would be made by the mass citizenry, but because of

practical problems with having all citizens participate in making complex and time-consuming determinations, citizens elect their representative legislators to make policy decisions. To ensure that their representatives adequately reflect the composition of the citizenry, the State Constitution requires the Legislature to provide for a system of conducting elections to select major federal, state and local officials, and to revise congressional and legislative electoral boundaries every ten years in the reapportionment process.

Arizona voters hold their legislators accountable through biennial elections. In addition, although seldom considered, the Arizona Constitution also allows the citizens to recall their legislators and vote them out of office before their elected term of office expires. Arizona legislators are thus accountable for their performance in office, and one of the major concerns in the Legislature is service to constituents, whether it constitutes promotion or support of local causes, acting as advocates for citizens with government agencies or providing citizens with information or guidance in dealing with the government.

The Legislature shares with the citizens the power to propose changes to the State Constitution, the state's fundamental political document. Since statehood, the Legislature has proposed a substantial number of amendments to the State Constitution and has been successful in getting them ratified by the electorate in a majority of cases.

The United States Constitution delegates responsibility for ratifying proposed amendments of that document to the state legislatures. No other branch of state government is involved in amending the State or United States Constitutions other than in a purely functionary capacity.

From the perspective of the ordinary taxpayer the operation of state government appears to be extremely expensive, and the Legislature is given the daunting challenge of budgeting those expenses and determining the financial priorities among numerous competing worthy programs and agencies. Monitoring the collection of state revenues, allocating them and accounting for their use occupy a major portion of the time and effort of the Legislature.

The Legislature engages in several activities to oversee and supervise the operation of state government, again in an effort to ensure that the state's assets are properly and wisely used for the benefit of the public and to avoid burdening the public with cumbersome and unnecessary government intrusion. State agencies and programs are subject to periodic audits and reviews and must prove to be justified or face automatic termination. Increased legislative review and supervision over administrative rules and programs has been a notable trend in recent years. Additionally, the Senate has the power to consent to or reject the appointment of certain executive branch officials and thus exercises significant influence over the personnel and governing philosophy of the people who administer the laws.

The ultimate oversight of elected officials is the power of involuntary removal from office for breach of their responsibilities and the public trust. The Legislature is given the exclusive power of impeachment over elected executive officers and judges, and the Legislature may police its own elected members and expel them from office in the case of serious misconduct.

## **Direct Citizen Legislation**

While the Arizona Constitution gives the Legislature the power to enact laws, it also reserves to the people the power to initiate laws and constitutional amendments and to approve or disapprove laws passed by the Legislature.

### ***Initiative***

Under the initiative power, Arizona voters can suggest changes to the State Constitution or statutes by filing with the Secretary of State's office a petition that sets forth the title and full text of the proposed measure.

A number of registered voters equal to at least ten percent of the total number of votes cast for all candidates for the office of Governor at the preceding general election must sign a petition to propose a statutory change. For a constitutional amendment, at least 15 percent of such electors must sign the petition for the measure to qualify for placement on the ballot. Persons who gather signatures on initiative petitions must be residents of Arizona and must be qualified to register to vote.

Initiative petitions must be filed with the Secretary of State at least four months before the general election at which the measure will be voted on. After petition circulators submit their completed signature sheets to the Secretary of State's office, the Secretary of State and the county recorders undertake a verification process to ensure that the sheets contain the requisite number of valid signatures. If an initiative petition contains a sufficient number of valid signatures, the measure is submitted to the voters for their approval or disapproval at the next general election.

The Secretary of State then publishes and mails to all registered voters a publicity pamphlet that contains the text of each initiated and referred measure, arguments advocating or opposing the measures that have been submitted to the Secretary of State and an analysis of the provisions of each measure prepared by the Legislative Council.

An initiated measure becomes effective after its approval by a majority of the voters who cast votes on the measure and on proclamation of the election results by the Governor.

### ***Referendum***

The referendum power allows the people to voice their approval or disapproval of laws or parts of laws passed by the Legislature. To allow the referendum process to occur, the State Constitution provides that ordinary acts passed by the Legislature do not go into effect for 90 days after the close of the legislative session. Some laws, however, such as those that require earlier operation to preserve the public peace, health or safety or those that provide for the support and maintenance of state agencies, are not subject to the referendum power and take effect immediately.

A number of registered voters equal to at least five percent of the total number of votes cast for all candidates for the office of Governor at the preceding general election must sign a referendum petition. Completed petitions must be filed with the Secretary of State no later than

90 days after the adjournment of the session of the Legislature that passed the measure being referred.

If a referendum petition has been filed with what appears to be an adequate number of valid signatures, the law that is the subject of the referendum does not go into effect unless the voters approve the law at the next general election. A law that has been referred and is not approved by the voters does not go into effect unless the Legislature or the people take action to enact the law at a later date. The filing of a referendum petition against part of a law does not prevent the remainder of that law from becoming operative.

The Legislature itself may refer statutes to the voters for their approval or rejection. This is most often done when a measure is particularly controversial and the Legislature wants to allow the people to vote directly on the matter, when the matter at issue has been the subject of previous voter-initiated measures or to bypass a Governor who might veto the measure. These measures go before the voters for approval or disapproval at the next general election. In addition, all changes to the State Constitution proposed by the Legislature must be submitted to a vote of the people. Constitutional amendments referred by the Legislature may appear on the ballot either at the next general election or at a special election called by the Legislature for this purpose.

As with initiated measures, referred measures, whether they appear on the ballot as a result of citizen petitions or are referred directly by the Legislature, become law only if they are approved by a majority of those voting on the measure and on proclamation of the election results by the Governor.

### ***Amendment, Repeal or Veto of Initiated or Referred Measures***

In 1998, the voters amended the Constitution of Arizona to prohibit the Governor from vetoing any initiative or referendum approved by the voters at the 1998 general election or thereafter. Similarly, the Legislature may not repeal a successful ballot measure. The Legislature may amend or supersede an initiative or referendum passed by the voters only with a three-fourths vote of the members of each house and only if the legislation furthers the purposes of the measure. The Constitution also requires a three-fourths vote of the Legislature to appropriate or transfer funds that were designated for a specific purpose by an approved ballot measure and requires that the appropriation or transfer further the purposes of the measure.

# Chapter Two

## The Arizona Legislature

### History of the Arizona Legislature

Every state in the nation has a distinct history regarding its formation as a state and as a government. Arizona’s early settlers, in conquering the harsh and unforgiving environment of the state’s frontier, necessarily possessed courage, determination and not a small amount of independence—attributes that would impact greatly on the future state’s system of government.

#### *Territorial Arizona*

The history of Arizona, as a part of the United States, began officially in 1850 when Congress formed the New Mexico Territory consisting of the land that is now Arizona north of the Gila River, along with what is now New Mexico, parts of Colorado and Nevada. Mexico ceded these and other western lands to the United States for \$15 million under the 1848 Treaty of Guadalupe Hidalgo at the conclusion of the Mexican-American War. In 1853, the United States paid an additional \$10 million to Mexico under the Gadsden Purchase agreement to add to the New Mexico Territory nearly 30,000 square miles of land south of the Gila River in Arizona, forming the state’s current boundary with Mexico.

Although officially part of the New Mexico Territory, the territory’s western residents in Arizona felt distanced both geographically and culturally from the territorial capital of Santa Fe. Numerous bills were introduced in Congress in the 1850’s seeking to grant Arizona territorial status, but to no avail. The primary factor prompting opposition to an Arizona Territory was the area’s low population; according to the 1860 census, fewer than 2,500 non-Indians resided there. Interestingly, Confederate President Jefferson Davis designated Arizona as a Confederate territory on February 14, 1862—50 years to the day before Arizona became a state.

Faced with evidence of Arizona’s mineral wealth, however, the opposition in Congress eventually relented and in 1863 President Abraham Lincoln signed the Arizona Organic Act creating the Territory of Arizona. The following year, in September 1864, the First Territorial Legislature convened in Prescott, the territory’s capital at the time. The capital moved from Prescott to Tucson and back to Prescott again before being permanently established in Phoenix in 1889.

While the early territorial legislatures may have, in the words of historian John R. Murdock, “lacked the dignity of older lawmaking bodies,” they nevertheless exhibited a progressive bent as evidenced by their generous appropriations for education, support for roads and railroads and opposition to any kind of slavery in the newly created region. The early territorial legislatures busied themselves with creating counties, expending funds and dealing with

unfriendly Indians. They also performed some unusual functions, including the granting of divorces and the changing of names of individuals. Special legislation of this nature would later be expressly prohibited by the State Constitution.

Arizona enjoyed certain benefits as a result of its territorial status. Congress paid all costs of the territorial government. The territory's citizens were well-treated by the federal government and enjoyed the civil liberties guaranteed by the United States Constitution.

Nonetheless, the Arizona Territory was subject to Congressional control, and as such, laws passed by the territorial legislature could be stricken by Congress. Territorial officials, including the Governor, were federally appointed, which meant they were often of a different political party than the majority of the territory's residents of the time. Congress controlled territorial finances and could readjust territorial borders, as it did by ceding Arizona's former Pah-Ute County to Nevada. Finally, territorial residents could not vote for President, nor could the territory's delegate vote in Congress.

The territory's citizens began determinedly pursuing statehood and the greater degree of self-government it would allow them. This goal met with great resistance, however, as the perception of Arizona among many in Washington, D.C. was that of a lawless, feuding, undeveloped desert populated by too few white settlers, too many hostile Indians and too many Democrat residents to suit the Republicans who controlled Congress at the time. A constitutional convention, held in September 1891, resulted in a constitution that was approved by Arizona's residents but ignored by Congress, which considered it to be too radical. It would be another 19 years before federal legislation was passed allowing the citizens of Arizona to form their own government.

### ***The Enabling Act and Constitutional Convention of 1910***

On June 20, 1910, President William Howard Taft signed the Enabling Act, allowing the Arizona Territory (as well as the New Mexico Territory) to hold a constitutional convention. This act did not admit Arizona as a state but rather conditioned statehood on the ability of its citizens to adopt a constitution that would meet with presidential approval.

In September 1910, territorial voters elected 52 delegates -- 41 Democrats and 11 Republicans -- to attend the convention and frame the new constitution. The delegates convened in Phoenix at the territorial capitol on October 10, 1910 and formed 21 committees to consider and draft various constitutional provisions.

While it is impossible to know the source of every provision of the Arizona Constitution, it is clear that the constitution adopted by the convention was, in the words of historian John R. Murdock, "in the forefront in every progressive notion of the hour." With the progressives in control of the convention, several measures that were considered liberal at the time won approval, including those providing for initiative, referendum and recall, secret ballots, voter registration, direct primary elections and a strong State Tax Commission and State Corporation Commission. The new constitution also provided generously for public education and contained several wage and hour protections for laborers. Although convention delegates rejected constitutional provisions for prohibition and women's suffrage, voters added both within three years of statehood.

The Constitution's provisions were not established without a great deal of dissent among delegates, however. While delegates split over many issues, none were so divisive as initiative, referendum and recall. The two direct legislation provisions -- initiative and referendum -- were gaining a great deal of popularity throughout the western part of the country at the time and, while most Democrats supported these provisions, Republicans -- including those in Washington who would ultimately approve or disapprove Arizona's Constitution -- generally opposed them.

Conservatives feared -- justifiably, as it turned out -- that statehood for Arizona would be threatened if the convention formed too radical a constitution. The convention delegates adopted the Constitution of Arizona on December 9, 1910, 60 days after they convened, by a vote of 40 to 12. All but one Democrat signed the new document, and only one Republican did so. Territorial voters ratified the new Constitution by a wide margin on February 9, 1911.

Citing objection to the provision allowing recall of judges, President Taft vetoed the Congressional resolution approving Arizona's Constitution. To achieve statehood, Arizona eliminated the offending provision and was admitted as the nation's 48<sup>th</sup> state on February 14, 1912. Arizona voters, exerting their independent streak from the start, promptly reinstated the judicial recall provision in their Constitution within months after statehood was secured.

With the battle for statehood won and the Constitution approved, Arizona's citizens began the task of forming a new state government.

### *Early Arizona Legislature*

Arizona's Legislative Department is governed by Article IV of the Arizona Constitution, which established the Legislature as a bicameral body with a Senate and a House of Representatives. The Legislature met on a biennial basis until 1950, when the Constitution was amended to provide for annual legislative sessions.

Pursuant to the Constitution, the state's first Legislature had 19 senators, with five of the 14 counties having two each, and 35 representatives in the House. Legislators earned seven dollars a day for their service. The membership changed in 1918 when the Constitution was amended to provide for the creation of legislative districts within each county. This section was subsequently amended a number of times and the current system provides for one senator and two representatives from each of the state's 30 legislative districts.

The first State Legislature convened on March 18, 1912. In the opening days of session, the Senate established 24 standing committees and the House established 25. Session was limited by law to 60 days, but after the initial session's allotted time expired, the new Legislature still had much work to complete. Therefore, a special session was called immediately after the conclusion of the regular session to continue the work of establishing the new state government.

The Constitutional Convention of 1910 framed a document that gave the office of Governor largely ceremonial duties. The new Constitution, for example, gave the Governor few executive appointive powers, instead providing for several separately elected executive officials. The Constitution further called for certain independent commissions that were exempt from control by the Governor.

The reasoning for the initial restraint on executive authority dated back to territorial days. Congress' appointment of Republican officials in the heavily Democratic Arizona Territory

created great resentment toward the appointees, which at the time included the Governor. Although subsequent changes to Arizona’s Constitution eventually expanded executive branch powers, the framers clearly and intentionally gave the executive office little authority, preferring instead to concentrate the bulk of powers closest to the state’s citizens -- with their legislature.

## ***Constitutional Principles Regarding the Legislature***

### *Separation of Powers*

Article III of the Arizona Constitution (Distribution of Powers) provides for three separate and distinct departments of government: the legislative, which is empowered to determine policy and make laws; the executive, which carries out the laws; and the judicial, which is charged with interpreting the laws and adjudicating disputes under the laws. While the United States Constitution and some other state Constitutions have an implied separation of the three branches, the framers of Arizona’s Constitution expressly set forth the powers and limitations of each branch.

The establishment of three coequal branches is a principle known as the “separation of powers,” one that is fundamental to our constitutional form of government. Separation of powers means that one branch cannot encroach on the functions that belong to the other two branches. Further, it requires that those who make the law be different from those who execute and interpret it.

### *Checks and Balances*

Related to separation of powers is the concept of “checks and balances.” This means that government authority among the three branches is arranged so that one branch is empowered to keep in check, or to balance, the powers of the other two branches. This system of checks and balances prevents power from becoming concentrated in a single branch of government by authorizing each branch to “restrain” the others in express ways.

The principle of checks and balances is seen, for example, in the Governor’s ability to restrain legislative power by vetoing a bill passed by the Legislature. The Legislature may impact on judicial power by increasing or decreasing the number of Justices on the Supreme Court or by establishing intermediate appellate courts. The House of Representatives has the sole power of impeachment over the Governor, and impeached officials are tried by the Senate. The Supreme Court may restrain legislative authority by determining that a law passed by the Legislature violates the Constitution and declaring it unconstitutional.

## **Size and Apportionment**

Beginning with the 28<sup>th</sup> Legislature in 1967, Arizona’s Legislature has been composed of 30 Senators and 60 members of the House of Representatives, for a total membership of 90. The members are apportioned among 30 legislative districts. The districts for the Senate are identical to the districts for the House, so that each district elects one Senator and two Representatives.

Until 2001, the Constitution of Arizona provided that the legislative districts were “established by the Legislature,” which meant that the Legislature passed a bill to establish the district lines. Beginning in 2001 as a result of the passage of a ballot measure, the Independent Redistricting Commission has been charged with the task of redrawing Arizona’s legislative and congressional district lines, after receipt of comment from the public and from the Legislature. Under federal law, the legislative and congressional districts are drawn to be equal in population and are redrawn every ten years, immediately after the United States census. Additionally, Arizona’s state redistricting process is subject to Section 5 of the Voting Rights Act, a federal law that requires “preclearance” by the United States Department of Justice of any changes to the legislative and congressional district lines or to the state’s voting practices or procedures.

## **Membership**

### *Qualifications*

The State Constitution requires that members of the Senate and the House of Representatives be at least 25 years old at the time they take office. Additionally, each Representative and Senator must be a resident of the state for the three years immediately preceding the person’s election and a resident of the county from which the person is elected for at least one year immediately before election.<sup>1</sup> Under the Constitution, each house judges the qualifications of its own members.

Like all public officers, members of the Legislature must be qualified electors. Accordingly, they may not be under guardianship or otherwise legally incapacitated and must not have been convicted of treason or a felony, unless their right to vote has been restored.

In general, the State Constitution prohibits federal, state and local officeholders from serving in the Legislature. Specific exemptions exist for justices of the peace, federal commissioners, notaries public and school trustees. Additionally, no legislator may be employed by the state or any county, city or town. This prohibition does not extend to public school teachers.

### *Elections*

All legislators are elected for two-year terms. Elections are held in even-numbered years. Candidates are nominated by the voters who are registered with their political party and by those voters who designate that party’s ballot at primary elections held during the first part of September. The names of candidates nominated at primary elections as well as the names of independent candidates who have formally qualified to run for legislative office but who do not belong to a political party appear on the ballot for the general election. The general election is held on the first Tuesday after the first Monday in November.

Once elected, a legislator has the right to remain in office during good behavior. In the case of misconduct, however, either legal or political, a legislator may be removed from office, either by the other members of the body in which the legislator serves or by the voters of the legislator’s district through the recall process.

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<sup>1</sup> Although legislators are no longer elected “from” counties, the county residency requirement remains in the Constitution (Art. IV, part 2, sec. 2).

Arizona has a “resign-to-run” statute and constitutional provision that requires a legislator who is not in the last year of office to resign from legislative service before becoming a candidate for any other public office. A state legislator may run for another public office without resigning during the final year of the person’s term as a legislator.

### ***Term Limits***

In 1992, Arizona voters amended the State Constitution to impose term limits on state legislators. Currently, both Senators and Representatives may serve only four consecutive terms in their offices. No legislator who has served four consecutive terms (including any part of a term) may serve in that same office again until the person has been out of that office for at least one full term. Only terms beginning on or after January 1, 1993 are counted.

### ***Vacancies***

State law provides that if a vacancy occurs in the Legislature due to the death or resignation of a legislator or some other reason causing an inability to serve, the Board of Supervisors of the county in which the legislator’s district is located appoints another person to fill the office. The appointee must meet all of the constitutional requirements for legislative service and must belong to the same political party and reside in the same district as the person who filled the office immediately before the vacancy. The Board of Supervisors must make this appointment within ten days after the office becomes vacant. A person appointed to fill a vacancy holds office for the remainder of the unexpired term.

If the vacant legislative seat was held by a member of a political party organized pursuant to statute and the district has at least thirty elected precinct committeemen from the precincts that are in the district and county of vacancy, a different procedure applies. In that instance, the elected precinct committeemen nominate three persons to be considered for the office and those three nominees are forwarded to the Board of Supervisors, who appoint the new member from among those nominees.

If the legislative district of the legislator creating the vacancy is not entirely within one county, the Board of Supervisors of the county of residence of the vacating legislator fills the vacancy.

The procedure described above also applies when a vacancy occurs after the election of a legislator but before the person has actually taken the oath of office. However, if a vacancy occurs due to the death, mental incapacity or voluntary withdrawal of a legislative candidate after the deadline has passed for persons to file candidate petitions but before the primary or general election, the precinct chairman of the prior candidate’s political party in the legislative district where the candidate was running nominates a new candidate to represent the party in the upcoming election.

## **Leadership**

### ***President of the Senate and Speaker of the House of Representatives***

The President of the Senate and the Speaker of the House of Representatives are the only legislative leadership positions mandated by state law. However, both the State Constitution and statutes leave to the Legislature the method of selecting these officers and the powers and duties they possess once elected.

Traditionally, majority party members of the Senate nominate the President and the majority party members of the House nominate the Speaker at pre-session organizational caucuses, usually held shortly after the November general election. Caucus members must decide on rules to govern the nomination process. Voting may be open or by secret ballot. Candidates for President or Speaker may run individually or may run as part of a slate with other legislators-elect who are seeking the position of Majority Leader or Majority Whip. While the majority caucus nominates the President and the Speaker, each must be elected by a majority of the entire body at the beginning of each legislative session. Traditionally, the person nominated by the majority caucus to serve as President or Speaker is elected by the entire chamber. However, any member, including members of the minority party, can be nominated to serve as President or Speaker when this vote takes place.

Senate and House Rules prescribe many of the powers of the presiding officers. These powers include the right to appoint committee chairmen and vice-chairmen and to assign both majority and minority legislators to statutory, standing and interim committees. Additionally, the President and Speaker designate seating assignments on the floor and allocate office and parking spaces to all members of their chamber. They must approve all debts incurred by their respective house. The President and Speaker also make decisions regarding employment and compensation of legislative personnel and other matters relating to the general administration of the institution. While it is not required, the presiding officer may consult with other members of majority leadership in making these decisions.

As presiding officers, the President and Speaker are responsible for referring bills to the appropriate committees, setting the agenda for floor action, calling the body to order and maintaining decorum during floor sessions. The President or Speaker recognizes members who wish to speak on the floor and, subject to appeal by any member, decides points of order. The President and the Speaker relinquish their chairs during meetings of the Committee of the Whole and assume their seats on the floor. Senate and House Rules provide that the President and the Speaker sign all bills, memorials and resolutions passed by the house over which they preside.

### ***Majority and Minority Leaders***

Majority and Minority Leaders (also referred to as “Floor Leaders” or “Party Leaders”) are elected at the pre-session organizational caucuses. Unlike the President and the Speaker, there is no need for these officers to receive a vote of the full body. However, the Majority and Minority Leaders (like other partisan leaders) do not officially take office until they are sworn in on the first day of the legislative session.

The Majority Leader in each house works closely with the presiding officer to develop

and implement the party's main policy objectives. The Majority Leader traditionally communicates with other members of the party regarding majority positions on specific issues. He or she may also talk with minority members to determine how their views may impact the outcome of a majority program bill.

It is often the responsibility of the Majority or Minority Leader to determine whether consensus exists among party members on a given issue. He or she also may attempt to ascertain whether a party position on a selected bill is desirable. The person who serves as Party Leader frequently assumes the role of party spokesperson to the media.

The Minority Leader tries to keep members of the minority party informed about majority leadership decisions on the scheduling of bills and other matters. The Minority Leader also makes recommendations to the presiding officer regarding the appointment of minority members to committees and the seating and office assignments of members of the minority party. The presiding officer is under no obligation to heed the suggestions of the Minority Leader on these matters. Traditionally, however, the Speaker or President does give some weight to the Minority Leader's recommendations.

In recent sessions, the minority caucus has also elected an Assistant Minority Leader. This person schedules and chairs minority party caucus meetings and works with the other party leaders to make decisions regarding party objectives and minority staffing.

### ***Majority and Minority Whips***

Traditionally, the duty of the Whip has been to "whip up" votes to support a caucus decision. In fact, the term derives from the British fox hunting term "whipper-in," which describes the person responsible for keeping the foxhounds from leaving the pack. The person who serves as the party whip will likely ascertain how members of the caucus stand on a given issue, often tallying actual vote counts, and may try to solidify partisan support on an issue that leadership deems especially important. This may include getting members to the floor if they are needed for a vote. The Majority Whip may also serve as chairman of the party's caucus meetings.

### ***President Pro Tempore and Speaker Pro Tempore***

The Senate and House Rules, respectively, provide for the appointment of a President Pro Tempore and Speaker Pro Tempore by the presiding officer. As their titles suggest, the chief duties of these officers are to preside over Senate and House proceedings and to otherwise assume the duties of the President and the Speaker when they are absent from the Legislature. The Rules provide that if the presiding officer does not make such an appointment, the entire body elects a member to preside during the President's or Speaker's absence.

### ***Parliamentarian***

The President and the Speaker each appoint a legislator as the Parliamentarian for their respective chamber. The person chosen as Parliamentarian must be familiar with the rules of the particular house and other procedural rules because the presiding officer refers to this person when questions arise regarding process or the order of business. Final decisions on procedural

matters rest with the presiding officer, subject to appeal of the entire body. In addition to the Parliamentarian, the President or the Speaker may choose to consult with the chamber's Rules attorneys for advice on these matters.

### ***Standing Committee Chairmen and Vice-Chairmen***

The President and Speaker appoint all chairmen and vice-chairmen of standing committees. Accordingly, committee chairmen are customarily members of the majority party.

Generally, the person chosen to chair a committee will have an interest in and an understanding of the areas over which the committee has jurisdiction. Committee chairmen also must be familiar with legal requirements regarding public notice and with open meeting laws. Committee chairmen set the agenda for and preside over standing committee meetings.

Committee chairmen wield a great deal of power, largely because they can decide whether or not to hear measures that have been assigned to their committees. A chairman who chooses not to hear a bill effectively kills the bill by failing to report it out of committee. If a committee chairman refuses to hear a bill, two-thirds of the committee members may sign a petition requiring the chairman to schedule the bill on the next agenda. In addition, the measure may proceed to the floor over the chairman's opposition if three-fifths of the members of the entire body sign a petition calling for the bill to be discharged from the chairman's committee or if the presiding officer withdraws the bill from that chairman's committee and reassigns it to another committee whose chairman will hear the bill.

The chairman may meet with the vice-chairman to set the committee meeting agenda. The vice-chairman has the powers and duties of a chairman when the chairman is absent. The vice-chairman often makes the motion to begin discussion on a bill that is before the committee and moves bills for a committee vote after the committee has taken testimony on and debated the bills.

## **The Committee System**

Due to the volume and diversity of issues before the Legislature each session, it is impracticable for each entire chamber to hold extensive hearings on all introduced bills. Instead, bills receive their first detailed consideration in committees. There are several types of committees, each fulfilling a different function.

### ***Standing Committees***

State law authorizes the presiding officer of each legislative chamber to appoint standing committees but provides that either chamber, by resolution or rule, may direct otherwise. Traditionally, the practice has been for the President and Speaker to determine the number of committees and their subject matter jurisdictions at the beginning of each legislative session. However, the committees must then be formally established in Senate and House Rules, which requires approval by a majority of the members of each chamber.

The number and titles of legislative standing committees vary from Legislature to Legislature. Each house generally has separate committees to deal with matters such as

agriculture, health, education, finance, transportation, government operations, commerce, natural resources, taxation, insurance and the judiciary. Each committee considers bills that are within its subject matter jurisdiction and that have been assigned to the committee by the presiding officer.

The Rules Committee, while it is considered a standing committee, has a different function from other standing committees. The charge of the Rules Committee is to consider the constitutionality and proper form of bills and amendments reported from the other standing committees. (*The function of the Rules Committee is described in more detail in Chapter Six.*)

As noted earlier, the presiding officer appoints members to each committee. Most members serve on more than one committee. The general practice is for the majority party to have a majority of the members on each committee.

Every measure must pass through the committee system for scrutiny, debate and possible amendment. Some standing committees have much heavier work loads than others, and the number of measures assigned to a committee can vary greatly from year to year, depending on the amount and subject matter of legislation that is introduced in each chamber.

Standing committees adopt their own rules of procedure and, during the legislative session, meet weekly, or more often as necessary, at a regularly scheduled time and place. Meetings are open to the public and press. Special meetings may be called by committee chairmen, but in the case of House committees, this requires the permission of the Speaker. The President or the Speaker also must give permission for a committee chairman to cancel a scheduled meeting.

### ***Subcommittees***

Except for the Appropriations Committees of each house, which have permanent subcommittees, all legislative subcommittees are established on an ad hoc basis. Any committee chairman can appoint a subcommittee consisting of several members of the standing committee to deliberate on a specific bill and report back to the full committee. A chairman may choose to take this route to allow a smaller group of legislators to study and prepare amendments to a complex bill that would consume an inordinately large amount of the full committee's time. Standing committees are not required to accept the recommendations of a subcommittee.

### ***Joint Statutory Committees***

State law establishes several permanent committees with members of both houses. These include the Joint Legislative Budget Committee (JLBC), the Joint Committee on Capital Review (JCCR), the Joint Legislative Audit Committee (JLAC) and the Legislative Council. These committees are comprised of members from both houses appointed by the President and the Speaker. The Joint Legislative Budget Committee and Legislative Council have sizable professional permanent staffs, while the other committees receive support from the House and Senate staff.

These statutory committees differ from standing committees in that they do not meet at regularly scheduled times and places, they often meet during the interim when the Legislature is out of session and they usually deliberate on matters other than bills, memorials and resolutions. For example, the Joint Legislative Budget Committee makes recommendations to the Legislature

regarding the state budget and fiscal operations of state agencies. The Joint Committee on Capital Review has responsibilities involving land acquisition and capital projects. The Legislative Council oversees the bill drafting functions of the Legislature, prepares analyses of ballot measures for inclusion in the statewide publicity pamphlet and operates many legislative facilities.

### ***Interim Committees***

As the name implies, interim committees (often referred to as “study committees”) operate between legislative sessions. They may be created by legislation or by the President or Speaker, or both. Often, persons other than members of the Legislature serve with or instead of legislators on interim committees.

Interim committees undertake studies and investigate issues about which the Legislature desires further information. Free from the legislative session deadlines and other pressures, interim committees have the time necessary to tackle complex problems in depth. They may hold meetings, take testimony and break into working groups to gather additional information. Interim committees usually report their findings to the Legislature and often suggest legislation to be considered in the next legislative session.

### **Political Party Caucuses**

A person who is first exposed to the Legislature and the legislative process will initially be confused by the word and institution “caucus.” It is not provided for in the Constitution or by law. It is generally overlooked in civics and government classes. Yet, the concept of a caucus is as old as the United States. The word means a meeting of persons belonging to the same political party or faction, and in the Arizona Legislature the House and Senate Republican and Democratic caucuses have a long institutional history.

The caucuses begin organizational meetings soon after a new Legislature is elected in the general election in November of each even-numbered year. In one or more meetings each caucus elects a nominee for the presiding officer of the respective body, either the Speaker of the House or President of the Senate. The minority caucus usually offers a nominee even though it is understood that the minority nominee has little chance of election. The Speaker and President are actually elected from the nominees by the full House or Senate on the first day of the regular session. In addition each caucus elects a leader (Majority Leader or Minority Leader) and a Whip or other officers.

The purpose of a caucus is to foster a sense of political unity and loyalty. This is accomplished by regular meetings throughout the session and occasionally at other times during the interim between sessions. Meetings of the caucuses are commonly conducted as part of the legislative process to discuss legislation that has cleared the committees to which it has been assigned but before consideration and debate by the full chamber. The members of each caucus may also meet to discuss other issues such as the state budget, general party positions on legislative issues and, in the Senate only, the Governor’s nominations to state boards and commissions.

Senate and House Rules provide that caucus meetings are open to the public, but a caucus may conduct a closed meeting to elect officers and for other specific purposes. Although caucus meetings are usually open to the public, individuals other than the members of the caucus and

staff are not invited to participate directly.

## **Staff**

According to Arizona Revised Statutes (A.R.S.) section 41-1102, the Senate and the House may hire as many employees as each chamber directs. Furthermore, the Senate Rules provide that “the appointment, terms and conditions of employment, compensation, discipline and discharge of employees of the Senate shall be determined by the President, subject to the approval of the Senate.” The House Rules simply state that “employment, compensation and termination of personnel shall be determined by the Speaker.” Both the Senate and House Rules prohibit an employee from lobbying during the employee’s term of employment and specify that any violation is sufficient cause for the summary discharge of the offending employee.

A.R.S. section 41-771 also provides that the Senate and House staff are employees in positions that are not covered by the state employee merit system. Such employees are often referred to as “uncovered,” “exempt” or “nonmerit system” employees, and they have no right to continued employment or right of appeal to the Arizona Personnel Board from disciplinary actions taken against them. As uncovered employees, Senate and House staff may be removed at any time. Some of the specific House and Senate staff positions are described below.

### ***Secretary of the Senate***

Pursuant to custom, the Secretary of the Senate is a nonlegislator who is elected by the members of the Senate. The Secretary acts as an officer of the Senate and maintains all records of any official action by the Senate, including complete bill files, files on committee minutes, tapes of committee and floor testimony, the Senate Journal and various other historical documents. The Secretary assigns numbers to all Senate measures as they are introduced and oversees the printing and engrossing of these measures and amendments and conference committee reports and assists in the preparation of session laws in even-numbered years.

During floor sessions, the Secretary coordinates the flow of legislation, prepares and distributes Senate calendars, as instructed, assists in parliamentary decisions, coordinates among the House, Senate and Governor’s office all messages, bills and information and works closely with the Chief Clerk’s office in the House to economize time and effort. The Secretary is responsible for assisting the President and the members in ensuring that all Senate action conforms to the Senate Rules, the statutes and the Arizona Constitution. The Secretary has a staff that includes an assistant secretary, a journal clerk, an administrative assistant, an enrolling and engrossing supervisor, a file clerk, an index clerk, a duplicating and supply supervisor, supply clerks, an information desk clerk and a runner. The Secretary also supervises the Senators’ assistants/secretaries and committee secretaries.

### ***Chief Clerk of the House***

The Chief Clerk is the counterpart to the Secretary of the Senate. Similarly, the Chief Clerk is a nonlegislator who pursuant to the House Rules is elected by the members of the House of Representatives and who acts as the chief administrator of the chamber. The Chief Clerk prepares the agenda for daily floor action at the direction of the Speaker, assists the Speaker and the members in ensuring that statutory, constitutional and House Rules are followed, signs all enrolled bills, memorials and resolutions, oversees the preparation and publication of the House

Journal and assists in the preparation of the session laws in odd-numbered years. Other responsibilities of the Chief Clerk include coordinating record keeping and maintaining all official records, supervising the operation of the voting and sound systems, directing the public information services, maintaining and updating information of current and former members and assisting with new member orientation.

The Chief Clerk assigns numbers to all House measures as they are introduced and oversees the printing and engrossing of these measures, amendments and conference committee reports. The Chief Clerk has a staff that includes an assistant chief clerk, an administrative assistant, a journal clerk, a bill and index clerk, a bill tracking secretary, an archivist, a reader, an information supervisor, an information desk clerk, a duplication supervisor, a duplicating/supplies clerk and a mailroom/billroom supervisor and clerk.

### ***Research Staff***

Each house has a research division comprised of full-time personnel managed by a research staff director. While the Senate research staff is nonpartisan, the House research staff is considered to be part of the majority staff. The research staff members, known as research analysts and assistant research analysts, perform various functions including drafting summaries of all legislative measures, providing verbal explanations of these measures during committee hearings and caucus meetings, drafting amendments, assisting the chairpersons of the standing committees, staffing interim committees and responding to constituent inquiries. Each research analyst and assistant research analyst is assigned to one or more standing committees. During the legislative session, the research staff is supplemented by college interns who are paid a modest stipend and receive college tuition and credit. The interns assist the research analysts and assistant research analysts.

### ***Majority and Minority Staff***

Each caucus has full-time partisan staff that serve the members of that caucus. The majority and minority staff assist the leadership of their respective caucus in developing a legislative agenda, serve as advisers to all members of their caucus, provide policy and legal analysis on specific issues, answer members' information requests, brief members on legislation, conduct research projects, develop and draft legislation and amendments, respond to constituent inquiries and assist with press relations, communications and speeches.

### ***Rules Committee Staff***

Both the Senate and House have full-time and part-time Rules staff that consists of attorneys and other administrative staff. After a measure is heard in its assigned standing committee or committees, the Rules attorneys review it to make sure that it is constitutional and in proper form for consideration by the entire body. The Rules attorneys check the form of the measure by reviewing the measure's formal title and other legal constraints. The Rules attorneys also make recommendations on how to correct legislation that is not constitutional or not in proper form by drafting proposed amendments for consideration by the Rules Committee and the entire body. The Rules attorneys also respond to inquiries regarding parliamentary procedure and compliance with the body's rules.

Other nonattorney members of the Rules staff perform various administrative functions including preparing Rules Committee amendments and agendas. The Rules staff is also assisted by legal interns (usually law students) during the regular legislative session who conduct legal research and prepare memoranda.

### ***Constituent Service Staff***

Each house has a constituent service staff to respond to constituent inquiries for information and requests for help to resolve problems. The constituent service staff will either attempt to help resolve the constituent's problem or refer the constituent to another source of assistance.

### ***Committee Secretaries***

In addition to the committee research staff, each standing committee is assigned a committee secretary who is responsible for taking roll, recording committee votes, taking and preparing the minutes of meetings of the committee, typing committee reports and blending all amendments passed in the committee meeting into a single amendment for consideration by the entire chamber during Committee of the Whole. When the Legislature is not in session, the committee secretaries perform similar duties for the various legislative study committees that meet during the interim.

### ***Members' Assistants and Secretaries***

Each member has an assistant/secretary who works in the member's office. The assistants and secretaries perform many duties, including maintaining the member's bill files, preparing committee agendas if the member is a chairperson of a committee, coordinating and maintaining the member's schedule, greeting and assisting guests, responding to telephone inquiries, facilitating solutions to constituent problems, managing the member's correspondence and performing various other duties associated with the administration of the member's office at the capitol. Some assistants and secretaries are assigned to work with more than one member.

### ***Accounting Staff***

Both the Senate and House have an accounting office with a controller who is in charge of handling the body's fiscal affairs.

### ***Sergeant at Arms***

Each body has a Sergeant at Arms who maintains order under the presiding officer's direction. The Sergeant at Arms also compels the attendance of members sent for by the body, directs the delivery of mail, supervises the pages, clears the chamber floor of persons not authorized to be present and performs various other administrative functions.

## ***Pages***

The Senate and House pages perform a variety of tasks that assist the members and other staff such as supporting committees and caucuses and members during floor sessions, acting as messengers and distributing documents.

## ***Other Staff***

Additional staff operate the public information desk, duplication and supplies room, bill room and mail room. These individuals in large part supervise the considerable volume of paper that is generated by and passed through each house during the legislative session.

## ***Legislative Agency Staff***

The Legislative Council, Joint Legislative Budget Committee, Auditor General and Arizona State Library, Archives and Public Records each maintain full-time staff that specialize in the work of their respective agencies. (*See Chapter Ten for further details on these agencies.*)

## **Lobbyists**

There are approximately 4,800 lobbyists listed on registration forms filed with the Secretary of State and nearly 1,000 registered entities that lobbyists represent when they are engaged in lobbying activities, such as advocacy groups, professional societies, public and private corporations, trade and volunteer associations and state and local governmental entities.

Lobbyists range from part-time volunteers and grass roots coordinators to attorneys and full-time corporate executives. Lobbyists attempt to convince legislators to sponsor, support or oppose legislation, and they monitor pending legislation on behalf of their clients. Despite occasionally disparaging publicity concerning lobbyists, they play an important role in the legislative process in advocating and providing information on legislative policy questions and giving a voice to other individuals who are members of the groups that the lobbyists represent and for whom direct contact with the Legislature is inconvenient or impossible.

The first step in understanding the lobbying laws in Arizona is to know what activity is considered lobbying. This is important since individuals who are engaged in lobbying have to register with the Secretary of State and file expenditure reports. The statutory definition of “lobbying” (A.R.S. section 41-1231) includes any attempt to influence the passage or defeat of any legislation by directly communicating with any legislator or any attempt to influence any formal rule making proceedings by directly communicating with any state officer or employee on behalf of another person. However, the statute also exempts certain activities from the definition of lobbying. These exemptions include interagency communications between state agency employees, communications between a public official or employee of a public body, public lobbyist and any state employee or officer, except a legislator, or any oral communication made in a public meeting that is sponsored by a state entity by a person to a state officer or employee regarding a proposed rule.

In general, a person must register with the Secretary of State before lobbying on behalf of another entity. This requirement applies whether the person is paid or a volunteer. The Secretary of State publishes a handbook that explains the state’s lobbying laws and includes the forms that

must be completed by lobbyists. The objective of the handbook is to make it easier for everyone to understand the lobbying laws and comply with the statutory requirements. There are various categories of lobbyists, and each has different registration and reporting requirements. Completed registration forms are public documents and available for inspection.

Arizona law provides that in certain situations registration with the Secretary of State is not required. Those exempt from registration include:

- A person who appears for himself before a legislative committee or state entity to lobby in support of or in opposition to legislation or an official action.
- A person who, acting on his own behalf, sends a letter to or has a conversation with a legislator, state officer or state employee for the purpose of supporting or opposing any legislation or official action.
- A person who provides technical information at the request of a lobbyist or legislator.
- An attorney who represents clients before any court or quasi-judicial body.
- A person who contacts a state officer or employee solely to acquire information.

Except in some limited circumstances, a lobbyist must file with the Secretary of State a quarterly report that lists expenditures made on behalf of a principal (a person who hires a lobbyist) or a public body (a governmental entity that hires a lobbyist). The designated lobbyist for a principal or public body must also sign an annual report on behalf of that principal or public body that lists all expenditures, including gifts, that were made by or on behalf of that principal or public body and that benefited or were received by a legislator or other state officer or employee, whether or not the expenditure was made in the course of lobbying. Expenditure reports are public documents and available for inspection.

During any calendar year a principal or lobbyist is prohibited from giving to any state officer or state employee, and a state officer or state employee is prohibited from receiving from a principal or lobbyist, gifts with a total value of more than ten dollars or any gift that is designed to influence the official conduct of that state officer or state employee. Similar prohibitions also apply to public bodies and public lobbyists. A gift is defined by statute (A.R.S. section 41-1231) as any payment, distribution, advance, deposit or donation of money or any intangible personal property or any kind of tangible personal or real property. The lobbying statutes specifically exempt numerous items from the definition of gift such as a plaque, book or calendar or a campaign contribution that is received and reported as required by law.

Any person who knowingly violates any provision of the lobbying laws is guilty of a class 1 misdemeanor. The Attorney General may serve a person an order requiring compliance with any provision of the lobbying laws and may assess the person a civil penalty of not more than one thousand dollars for failure to comply with the order. In addition, the Secretary of State must compile and issue an annual report to the Legislature that contains the names of all principals, public bodies and lobbyists that fail to report lobbying expenditures as required by law.

## Press

The capitol press corps consists of news reporters who represent various newspapers, news services and television and radio stations. These individuals regularly report the activities of state government, including proceedings by the Legislature, actions by the Governor and executive branch agencies and notable decisions by the courts. The capitol press offices are located on the first floor of the Senate building. In addition to the usual capitol press corps who cover the day-to-day activities of the Legislature, additional news organizations will periodically cover controversial or notable legislative action.

The Senate and House Rules require each chamber to maintain a press gallery. The current practice by the Senate and House is to reserve tables for the press on the floor of each respective chamber. However, House Rules specify that the Speaker may assign an alternative location for the press gallery in the House. The Sergeant at Arms is responsible for ensuring that only representatives of the press who are duly accredited by the President or Speaker are allowed access to the press gallery on the Senate or House floor. Press passes are nontransferable and revocable at the discretion of the President or Speaker. The House limits the number of press passes issued to any newspaper or news-gathering organization to no more than four representatives of that newspaper or news-gathering organization. In addition to the press gallery on the floor, the Senate provides reserved press seating in the Senate hearing rooms and majority caucus room.

# Chapter Three

## Legislative Finances

### Legislative Budget

**A**s with any other state agency, the Legislature is funded by separate appropriations of state money to the Senate, the House of Representatives and each legislative agency (Legislative Council, Joint Legislative Budget Committee, Auditor General and Arizona State Library, Archives and Public Records).

During each even-numbered year the officers and leaders of each of the legislative houses and agencies work with the budget staff of the Joint Legislative Budget Committee to determine an adequate level of funding to meet the projected financial requirements for each of the next two fiscal years. (The state fiscal year is July 1 through June 30.) Early in the first regular session, appropriation subcommittees of the Legislature meet to consider the budget proposals for all of state government, including the legislative houses and agencies. The appropriation subcommittees report their determinations that are then included in the state budget and general appropriation bill, which is enacted in a special session in March of odd-numbered years.

The appropriations include amounts for each house and agency for each of the two fiscal years in the following biennium. The appropriation for the second fiscal year in the biennium is subject to revision to accommodate changing and unforeseen circumstances.

Once appropriated, the money becomes available to the various houses and agencies of the Legislature from the state general fund for use in the designated fiscal year according to any terms and conditions prescribed by the appropriation. (The Auditor General and the Arizona State Library, Archives and Public Records also receive nonappropriated monies from sources outside of state government for some of the unique activities of those agencies.) The routine expenses of the Legislature include legislator and staff salaries and travel expenses and operating costs. Extraordinary expenses might include things like litigation costs, construction and renovation costs and reapportionment costs.

*(More detail regarding the state budget process is included in Chapter Seven of this manual.)*

### Legislator Compensation

#### *Salary*

The procedures for setting the salary of legislators are found in Article V, section 12, Constitution of Arizona. The Legislature establishes the Commission on Salaries for Elective State Officers to make periodic recommendations regarding pay increases for state officials, including legislators. The membership, compensation and duties of this commission are established by law. Members are appointed biennially and serve until they submit a report of

their recommendations. The commission is comprised of five members from the private sector, two of whom are appointed by the Governor and one each appointed by the Speaker of the House, the President of the Senate and the Chief Justice of the State Supreme Court. The commission's recommended salaries for nonlegislative elected officers are subject to approval by the Governor and the Legislature.

With respect to legislative salaries, however, the Secretary of State certifies the commission's recommendation and submits it to the voters at the next regular general election. If the recommended salary increase for legislators is approved by the voters, it becomes effective at the beginning of the next regular legislative session and no other authorizing legislation is necessary. If the recommendation is disapproved, legislative salaries remain unchanged.

Currently, members of the Legislature earn \$24,000 each year, which is paid on a bi-weekly basis throughout the calendar year. This amount was approved by the voters in the 1998 general election. Prior to that, legislators earned \$15,000 per year from 1981 through 1998 and \$6,000 per year before 1981.

### ***Per Diem and Other Expense Allowances***

Legislators who reside in Maricopa County (the metropolitan Phoenix area) are paid \$35 a day in per diem expenses for the first 120 days of regular and special sessions, then \$10 a day thereafter. Members who reside outside Maricopa County receive an additional \$25 a day for the first 120 days of session (for a total of \$60 a day), and then an additional \$10 a day thereafter (for a total of \$20 a day). Members are required to submit vouchers, receipts or some other verification of their expenses in order to claim the per diem allowance. However, they are paid the maximum per diem allowable regardless of the amount of actual expenses.

For legislative work during the interim between legislative sessions, per diem payments are determined by the Speaker of the House and the President of the Senate for members of the respective chambers. Legislators who are not in leadership positions receive per diem for each day they attend committee meetings, and, with the prior approval of their presiding officer, for additional days of constituent work. House members who are not in leadership positions generally may receive only one day of per diem a week while House leaders are not limited in the number of days they may receive per diem. Senators who are not in leadership positions may receive two days of per diem in a two-week period, and Senators in leadership positions are allowed six days of per diem in the same time period. The President and Speaker are reimbursed for every day of actual work during the interim, without limit.

Legislators receive reimbursement of 34.5¢ a mile based on the actual number of miles driven for official business, both during session and in the interim. This reimbursement is in addition to any per diem amounts allowed. All in-state and out-of-state travel must be approved in advance by the Speaker or the President, respectively. If approved, reimbursement of travel expenses is provided for as specified in the State Accounting Manual, which gives reimbursement amounts for all incidental expenses, such as taxis, airfare, food and mileage, except that the Speaker or President may overrule the State Accounting Manual's hotel rate limit if the lodging is at the site of a conference or seminar the member is attending.

Although legislators are provided offices, staff support and parking spaces at the capitol, they do not receive allowances for offices or staff in their home districts, nor are they afforded state automobiles, credit cards or expense accounts.

### ***Retirement and Other Employment Benefits***

Legislators receive the same employment benefits as Arizona state employees, except for retirement options and long-term disability insurance. Legislators do not receive annual or sick leave as do full-time state employees.

Legislators may choose to purchase the same health, dental or vision insurance offered to other state employees by paying a share of the premium. The state pays the remainder of the premium.

Legislators, as well as other state employees, receive a standard \$10,000 life insurance policy, with an additional \$10,000 payable in the case of accidental death, and may purchase additional life insurance in \$5,000 increments, up to three times the amount of their annual salary (\$45,000 in the case of legislators). The premium for the supplemental life insurance varies according to the legislator's age.

All legislators are provided with long-term disability coverage at no charge. (This is distinct and separate from the plan offered to other state employees.) The plan provides legislators with two-thirds of their salary if they are absent from work due to an extended illness or injury, beginning after six months of continuous total disability. Additionally, legislators may purchase short-term disability insurance to cover the first six months of disability.

Legislators may elect to participate in the Elected Officials' Retirement Plan (EORP) or the Arizona State Retirement System (ASRS) or may decline to participate in either retirement program.

EORP members contribute seven percent of their salary to the plan. They are eligible to receive a normal pension at any age with 20 or more years of credited service, at age 65 with five or more years of credited service or at age 62 with ten or more years of credited service. Members with five or more years of credited service may take early retirement with a reduction in benefits. The normal annual pension is currently four percent of the member's average yearly salary multiplied by the member's years of credited service, with a maximum annual payment of 80% of the member's average yearly salary.

Legislators who elect coverage under ASRS are treated like other state employees under the plan. The member contribution rate is determined biennially (5.2% of the member's salary as of 2003-04). Members become eligible for normal retirement on the accrual of 80 "points" (the member's age plus years of service), at age 65 with any amount of service or at age 62 with ten or more years of service. Members with five or more years of service may take early retirement at age 50 with a reduction in benefits. The normal monthly pension is 2.1% of the member's average monthly compensation during the three highest consecutive paid years of the last ten years of service multiplied by the member's years of credited service. A higher accrual rate applies with more years of credited service. Retiring members can choose from a number of benefit payment options.

Retirees under either EORP or ASRS are eligible to receive health insurance with subsidized premium amounts based on the members' years of credited service with the state and their eligibility for Medicare coverage.

Legislators receive other benefits that are provided to all state employees, including Social Security and optional deferred compensation plans and medical and dependent care reimbursement accounts.

# Chapter Four

## Legislative Powers, Privileges and Responsibilities

### Legislative Immunity

**P**ursuant to the Constitution of Arizona, members of the Legislature are immune from arrest or civil process for 15 days before and during the course of a session.

*Members of the legislature shall be privileged from arrest in all cases except treason, felony, and breach of the peace, and they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session. (Article IV, part 2, section 6.)*

The legal doctrine of “legislative immunity” also provides some protection to legislators, staff and the Legislature in legal proceedings involving legislative acts. Legislative immunity derives from the common law theory that began to evolve approximately 500 years ago from issues arising between the English King and Parliament. When the United States was founded, the United States Constitution included a provision to create legislative immunity for members of Congress. Article I, section 6 provides “[f]or any speech or debate in either house, [the members] shall not be questioned in any other place.” The Constitution of Arizona has a similar speech and debate clause that provides “[n]o member of the legislature shall be liable in any civil or criminal prosecution for words spoken in debate.” (Article IV, part 2, section 7.)

Thus, based on the Constitution of Arizona state legislators are entitled to immunity from civil and criminal liability for legislative acts. This immunity generally protects legislators from being sued, arrested or ordered to testify or produce documents about legislative acts, subject to certain court-created exceptions.

Generally, legislative immunity applies to all types of legislative actions relating to introducing, developing and voting for legislation including:

- Voting or refusing to vote to reduce a budget, to eliminate job positions, to redistrict, to unseat a member or to confirm an executive appointment.
- Speaking on the floor or in committee regarding legislation.
- Lobbying other legislators regarding legislation.
- Conducting a hearing and enforcing committee or chamber rules, including allegations of illegally issuing legislative subpoenas, examining witnesses or otherwise obtaining information.

- Performing other activities that relate to developing legislation prior to introduction.

Legislative immunity not only protects a legislator from liability but also from having to testify or produce documents in court proceedings relating to legislative activity and prohibits actions seeking declaratory judgments, injunctions and other legal actions against legislators acting in the scope of their official duties.

The immunity is absolute, and it is personal to the individual legislator. It can only be claimed or waived by the legislator. It does not end when the legislator leaves office but continues indefinitely for the legislative acts undertaken while in office.

There are exceptions and instances in which legislative immunity does not protect legislators, typically relating to administrative and political areas that are not directly related to the legislative process.

Legislative aides and staff are also entitled to legislative immunity for acts relating to the legislative process such as developing and processing legislation.

## **Limitations on Legislative Power**

In exercising the legislative function of state government, the Legislature has far-reaching powers. The Legislature has all the power that is not granted to the executive or judicial branches of government or that is not prohibited by the State Constitution or federal law.

The Arizona Constitution does impose specific limits on this power. For example, the Legislature may not pass:

- Laws that would increase the punishment for a crime after the crime has been committed.
- Laws that impair contract obligations.
- Certain types of local or special laws that would give an individual a special privilege or immunity.

In addition to these subject matter limitations on the authority of the Legislature, the Arizona Constitution prescribes procedural requirements for legislative action. Although a legislative act may deal with a subject within the Legislature's authority, the act may still be invalid if the Legislature did not comply with the constitutional procedural requirements in enacting the act. Examples of these requirements are that:

- All parts of an act must be expressed in the title of the act.
- An act may embrace only one subject.
- All appropriations other than the general appropriations act must be made by separate bills.

## **Crimes Against the Legislature**

The statutes set forth specific crimes against the legislative process. A person who illegally alters or removes an introduced or enrolled bill is guilty of a class 4 felony for which the maximum term of imprisonment is two and one-half years. A person who prevents the Legislature from meeting is guilty of a class 5 felony, which carries a prison term of one and one-half years. A person who disturbs or interrupts the Legislature’s proceedings is guilty of a class 2 misdemeanor and may be sentenced to jail for up to four months.

## **Legislative Discipline**

The Arizona Constitution provides “[e]ach house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds of its members, expel any member.” (Article IV, part 2, section 11.)

The House of Representatives and the Senate have each included a number of provisions in their respective rules to implement this constitutional provision. Both houses have established rules of decorum to allow for open, but orderly, debate of the issues before the body. For example, members of the House are not allowed to “indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation or use language tending to hold a member of the House or Senate up to contempt.”

Both houses of the Legislature have established in their rules codes of ethics and requirements pertaining to conflicts of interest and financial disclosure. An Ethics Committee is established in the House and Senate pursuant to statute. Each Ethics Committee must investigate ethics complaints against members of its respective house.

A violation of the code of ethics, conflict of interest requirements, financial disclosure requirements or rules of the body subjects the offender to punishment or expulsion pursuant to Article IV, part 2, section 11 of the Arizona Constitution.

## **Reporting Campaign Finances**

The Arizona statutes prescribe extensive requirements for election campaign contributions and expenses for all candidates including candidates for the Legislature. Every candidate for the Legislature who receives campaign contributions or makes campaign disbursements of more than \$200 is required to establish a campaign committee. The candidate’s campaign committee must file a number of campaign finance reports that set forth the receipts and disbursements of the committee. These reports must be filed with either the Secretary of State or the Clerk of the County Board of Supervisors several times during an election year and by January 31 of the following year for years in which there is no election.

The reports must include a detailed listing of the campaign committee’s assets and the source of revenues. The committee must also report the total disbursements and an itemized list of disbursements in nine categories. The reports are certified and signed under penalty of perjury by the committee treasurer or the candidate. If a campaign committee fails to file a timely,

complete and accurate report, the committee and the candidate are liable for a civil penalty of \$25 for each day of noncompliance with a maximum penalty of \$1,000.

## **Reporting Personal Finances**

The general statutory standards for financial disclosure by public officers apply to members of the Legislature. Under these requirements each member of the Legislature must file an annual verified financial disclosure statement with the Secretary of State by January 31 that covers the prior calendar year.

The statement must provide a wealth of information concerning the legislator and the members of the legislator's household. Some of the information required in the statement includes:

- The name and address of each source of income of over \$1,000 during the year.
- A description of any business owned by the legislator including identification of any large customers.
- The name and address of any business or trust in which the legislator has an interest of over \$1,000.
- A description of all interests the legislator has in Arizona real estate.
- A list of all creditors to whom the legislator owes more than \$1,000 and a list of all major creditors of any business owned by the legislator.

A legislator who knowingly fails to file the statement or files a false statement is guilty of a class 1 misdemeanor, which is punishable by a sentence of up to six months in jail. The offender is also subject to a civil penalty of \$50 for each day of noncompliance, with a maximum penalty of \$500.

# Chapter Five

## Legislative Procedure

### Parliamentary Procedure in the Senate and the House of Representatives

**T**he legislative procedure of the Senate and House of Representatives is established by the rules of each chamber. The rules adopted by the Senate state that legislative procedure shall be governed by the constitutional provisions, Senate Rules, Arizona statutes, Mason’s Manual of Legislative Procedure, Senate customs and usage and general parliamentary law, in that order.

The Rules of the House of Representatives also state the order in which authorities on legislative procedure take precedence when the rules do not address a specific issue of legislative procedure. The order is the constitutional rules or stipulations, statutory rules, adopted House Rules, judicial decisions, adopted parliamentary authority (Mason’s Manual of Legislative Procedure, Rules of the United States House of Representatives and Jefferson’s Manual), general parliamentary law and custom and usage. The House Rules state that these authorities shall be consulted in that order to resolve any conflict or ambiguity in legislative procedure.

The rules adopted by the Senate and the House of Representatives can be modified by a majority vote each session and are published for each Legislature, or when amended. The rules are reprinted in the Addendum to this Manual.

### Senate Procedure

The Senate Rules cover a range of subjects that include the powers of the officers of the body, establishing committees, introduction of legislation, decorum and debate, legislative procedure, length of the session and a code of ethical conduct.

Currently, there are ten standing committees in the Senate. The President of the Senate appoints a member to serve as chairman of each committee. The committee chairman sets the day and time for the committee’s regular weekly hearings. Since all members of the Senate serve on more than one committee, the committees meet on different dates and times to accommodate the members’ schedules. The chairman may add additional meeting times as necessary.

Generally, there are between seven and nine members on a Senate committee. A quorum for a hearing on a measure in a committee consists of a majority of the members of the committee. A majority of the members of the committee is required to report a bill or any other measure out of the committee. To pass an amendment to a bill, a majority of the members of the committee who are present must vote for the amendment. The committee may introduce a bill,

resolution or memorial as a “committee” measure on a unanimous vote of the committee. A majority of the committee may introduce a bill, resolution or memorial as a “majority of committee” measure on the vote of a majority of the members of the committee.

The President calls the Senate to order each day of the session. This is usually done at the same time every day unless the President has adjourned the Senate to meet at a different time on the next day of the session.

A majority of the Senators elected constitutes a quorum for conducting business on the Senate floor. A member may raise the question of establishing a presence of a quorum at any time while the Senate is in session on the floor of the chamber. If it is determined that a quorum does not exist, then a majority of the Senators present may seek a “call of the Senate” requiring Senators to return to the chamber until a quorum is present. Pending the execution of the call the President cannot entertain any debate or other motions, except to adjourn. The President directs the Sergeant at Arms to request or compel the attendance of the absent Senators for purposes of establishing a quorum when there is a call of the Senate.

The order of Senate business is established in the Senate Rules as follows:

1. Prayer by the Chaplain
2. Pledge of allegiance
3. Roll call
4. Reading of the Journal
5. Business on the President’s desk
6. Petitions, memorials and remonstrances
7. Orders of the day
8. Introduction and first reading of bills
9. Reference of bills
10. Second reading of bills
11. Reports of standing committees
12. Reports of select committees
13. Committee of the Whole
14. Report of the Committee of the Whole
15. Third reading of bills
16. Other business of the Senate

A member may request that the President alter the order of business during a floor session.

## **House of Representatives Procedure**

The Rules of the House of Representatives include the powers and duties of the presiding officer, formation of standing committees, introduction of legislation, decorum and debate and legislative procedure.

There are currently 16 standing committees in the House with chairmen appointed by the Speaker. Under the Rules of the House of Representatives, the chairmen of the standing committees set the meeting day and time for the weekly committee hearings. The chairman may cancel or set additional meetings as is necessary with the permission of the Speaker. A majority

of the members of a committee of the House of Representatives constitutes a quorum for purposes of considering a bill, resolution or memorial.

The Speaker calls the House to order on the floor of the chamber at 1:00 p.m. on Mondays and Thursdays and at 11:30 a.m. on Tuesdays and Wednesdays, unless the Speaker has adjourned the House to a different hour. A majority of the members elected to the House of Representatives constitutes a quorum to conduct the business of the full House. A smaller number of members may meet, adjourn and compel the attendance of any members who are not present. A member may raise the question of a quorum and, if a quorum is not present, the Speaker of the House must either order a “call of the House,” recess or adjourn.

The House order of business is as follows:

1. Roll call
2. Prayer
3. Pledge of allegiance
4. Approval of journal
5. Petitions, memorials and remonstrances
6. Reports of standing committees
7. Reports of select committees
8. Business on the Speaker’s desk
9. Bills and other business from the Senate
10. Motions to discharge committees
11. First reading of bills
12. Second reading of bills
13. Third reading of bills
14. Unfinished business
15. Committee of the Whole
16. Disposition of business from Committee of the Whole
17. Orders of the day

Members may request that the Speaker change the order of business during floor session.

# Chapter Six

## The Legislature in Operation

### Sessions:

### Organization of the Legislature

Every two years, 60 members of the House of Representatives and 30 members of the Senate are elected or reelected to a new Arizona Legislature. Each Legislature has been numbered consecutively since statehood in 1912, and the new Legislature is assigned the next number from the previous Legislature. The Legislature that was elected in 2002 and took office in 2003, for example, was the 46th Legislature.

Each Legislature covers a two-year period. The first session following the general election is known as the first regular session, and the session convening in the second year is known as the second regular session. Each regular session begins on the second Monday in January and adjourns sine die (*i.e.*, terminates for the year) no later than Saturday of the week in which the 100th day from the beginning of the regular session falls. The President of the Senate and Speaker of the House, by rule, may extend the session up to seven additional days. Thereafter the session can only be extended by a majority vote of members present of each house.

It is not uncommon for the Legislature to convene in between regular sessions. This is done when the Governor calls a special session of the Legislature. The Governor may call an unlimited number of special sessions at any time, even while regular sessions are in progress. In special sessions initiated by the Governor, the Legislature may consider only subjects and issues that the Governor specifies. The Governor usually discusses the potential subjects and issues of a special session with legislative leadership in advance of the call so that all parties may plan accordingly. In addition to special sessions initiated by the Governor, the Governor must call a special session on receiving a petition signed by at least two-thirds of the members of each house of the Legislature, in which case the subjects that the Legislature can consider are unlimited. Special sessions are typically short, sometimes lasting only one day, but there is no official limit to their duration.

The Constitution of Arizona authorizes each house of the Legislature to choose its own officers, and one of the first orders of business after a general election of legislators is to organize the Legislature and elect the legislative officers. Legislative caucuses begin meeting soon after the election so new legislators can get acquainted with other legislators and to choose the new officers. The political party having a majority of the members of a house usually chooses the next presiding officer of that house and will nominate one of its members to be the President of the Senate or Speaker of the House. All caucuses will also elect their own leaders: Majority or Minority Leaders, Majority or Minority Whips and other officers of their caucus. At the first meeting of the House and Senate in the first regular session, the oldest member traditionally

presides temporarily for the election of officers. The full Senate will officially elect its President and the full House will elect its Speaker, typically those members previously nominated by the majority caucus of the respective house prior to session. At this time the chambers also formalize other staffing elections and appointments described elsewhere in this manual.

The President and Speaker are the presiding officers of their respective houses and are elected to two-year terms in those offices coinciding with the biennial legislature. They call their chamber to order, preside over the business of the chamber and are responsible for maintaining decorum in the chamber. In addition, they are responsible for the administration and management of the affairs of their respective houses. The President and Speaker may choose a President Pro Tempore and Speaker Pro Tempore, respectively, to preside in the temporary absence of the President or Speaker.

Shortly after both houses have organized, they meet in joint session in the House chambers to hear the Governor's "State of the State" address. In the message, the Governor outlines the major issues facing the state and proposes solutions for the Legislature's consideration during that session.

## Drafting

Only current members of the Legislature may actually sponsor and introduce legislation, but legislative proposals may be initiated from many sources, including state agencies, local governments, individual constituents and special interest groups. Advocates of proposed legislation must secure a legislative sponsor if they hope to see their ideas enacted. Once a legislator agrees to sponsor the measure, Legislative Council staff will draft it in the form of a bill, resolution or memorial, whichever is appropriate.

Legislative Council staff is legally responsible for drafting all proposed legislation in suitable form and terminology, regardless of the form in which it is presented. The Legislative Council employs permanent legal, editorial and technical staff to provide this service for all legislators, regardless of house or political party. The service is confidential, and the contents of proposed legislation, including supporting documentation, will not be divulged without the express consent of the sponsor. Legislation is drafted according to standards and requirements set forth in *The Arizona Legislative Bill Drafting Manual*.

To expedite the drafting and bill introduction processes, House and Senate Rules establish deadlines for requesting and producing drafts. State agencies that propose legislation must have a legislative sponsor and submit the drafting request to Legislative Council on or before November 15 preceding the regular legislative session. Senate bills must be submitted to Legislative Council for drafting on or before the eighth day of the regular session and delivered to their sponsors on or before the 15th day of the session. House bills must be requested on or before the 15th day of the regular session and delivered to their sponsors on or before the 22nd day of the session. In addition, House Rules limit the number of bills, resolutions and memorials that can be introduced after the second day of the regular session to seven per legislator, which effectively forces most drafting for House members to take place before the session begins.

The drafting process begins with the Legislative Council drafter obtaining the facts, policy and objectives for a legislative proposal from either the legislator who is sponsoring the bill or from the legislator's authorized agent. The drafter then converts the sponsor's request into proper form, style and legal terminology, and fits the proposal into the framework of existing

statutory law. The drafter strives to produce a draft that is coherent, concise, understandable and free from ambiguity. The drafter considers pertinent provisions of the Arizona Constitution, court decisions, the Arizona Revised Statutes, the *Internal Reference Manual*, the *Annual Report on Defects in the Arizona Revised Statutes and State Constitution* and other relevant sources. The drafter makes adjustments for any minor problems or conflicts, and discusses more significant problems with the sponsor, including suggesting possible alternative approaches. There are three types of legislation: bills, resolutions and memorials.

*Members of the public frequently ask, “How much does it cost to draft a bill?” Unfortunately, there’s no meaningful general answer. The question is similar to “How much does it cost to buy a car?” The answer, of course, depends on the nature of the car. Likewise, bills come in many different forms and from many sources and require an infinite variety of effort in creation, drafting and enactment. A simple two line bill repealing a section of law may only take a total of 30 minutes of drafting, editing, processing and printing, whereas a 200 page recodification of water law may be the result of years of study, negotiation, drafting and redrafting before it’s even ready for introduction. Arbitrary dollar amounts have occasionally been pulled out of the air and printed and revised over the years, but there cannot be a single answer, and any such amount that is represented as the cost of drafting a bill is meaningless and fallacious.*

## ***Bills***

A bill is the appropriate method for proposing the enactment of a law and is the most numerous of legislative measures. Its proper use encompasses every conceivable subject within the legislative jurisdiction and is limited only by state and federal constitutional standards. Typical bills are those that:

- Establish governmental agencies and programs.
- Prescribe the powers and duties of state agencies and of individual officers and employees.
- Define crimes and classify punishments for actions that are prohibited as public offenses.
- Appropriate monies for state government expenditures.
- Determine licensing and regulatory standards for professions and occupations.
- Prescribe qualifications, terms of office and compensation of public officers.
- Provide for the imposition, collection and distribution of tax monies.

A bill that is introduced in the Senate is designated “S.B. 1xxx.” A bill that is introduced in the House is designated “H.B. 2xxx.” Bills are numbered consecutively within each body and retain the same number throughout the session, even when they are sent to the opposite house for consideration.

To become law, both houses of the Legislature must pass a bill, which will then either be signed into law by the Governor, take effect without the Governor’s signature or pass the Legislature by a supermajority vote overriding the Governor’s veto.

## ***Resolutions***

A resolution is a declaration or expression of legislative opinion, will, intent or “resolve” in matters within the Legislature’s legal purview. Three types of resolutions are used in Arizona.

A simple resolution is processed only through the house in which it is introduced and may express an opinion, appoint a committee, express regret on the death of a former legislator or other prominent person, request the return of a bill from the other house of the Legislature for a stated purpose, recognize meritorious service or commemorate a special event. A simple resolution is not signed by the Governor. Simple resolutions are designated “S.R. 1xxx” or “H.R. 2xxx,” depending on the house of introduction.

A concurrent resolution is processed through both houses but is not signed by the Governor. It may provide for the submittal of a referendum to the voters or legislative action to amend the United States or the Arizona Constitution. Concurrent resolutions are designated “S.C.R. 1xxx” or “H.C.R. 2xxx.”

A joint resolution is processed through both houses and is signed by the Governor. It is used to provide for temporary measures having the effect of law (e.g., ratifying a contract or some other official action not suitable for codification) but is not used for any purpose in amending either the Arizona or United States Constitutions. Joint resolutions are designated “S.J.R. 1xxx” or “H.J.R. 2xxx”.

## ***Memorials***

A memorial is a message sent to an officer or entity outside the Legislature and allows the Legislature to petition the recipient to acknowledge stated facts and act in a manner consistent with the request. It implies that the “memorialist” (the Legislature) lacks authority to act directly on the subject. Memorials may request or propose that Congress or the President of the United States, federal agencies and officers or other states do things the Arizona Legislature has no jurisdiction to do itself. Memorials are not signed by the Governor.

## **Fiscal Notes**

Fiscal notes are estimates of the fiscal impact of a bill that are prepared by the Joint Legislative Budget Committee staff. They are prepared on request for a legislator while the bill is before that legislator’s house, and copies are distributed to all members. Most fiscal notes are prepared for bills involving changes in revenues while some are used for bills involving administrative changes. Fiscal notes can only be requested on bills and amendments that have been introduced. Each fiscal note contains basic information about the bill, a dollar amount representing the fiscal impact, an analysis complementing the figures and underlying assumptions used in the analysis.

## Introductions

A legislator, or in the Senate a standing committee, may introduce a bill, resolution or memorial. A Senator cannot introduce a bill in the House, nor can a member of the House introduce a bill in the Senate, but any legislator may cosponsor a measure introduced in the other house. Any measure may originate in either house, and all measures passed by one house may be amended in the other. The sponsor or sponsors sign a signature page attached to the bill when it is introduced, and when the bill is printed their names appear on the first page of the bill. Legislators may introduce bills “by request,” meaning the sponsor has agreed to introduce the measure as a courtesy to its backers while not necessarily endorsing it.

Legislators introduce measures by requesting an “intro set” (the official package of materials used for introduction of measures including copies of the legislation and a signature page) from Legislative Council, getting the signatures of all cosponsors and filing the set in “the hopper” located in the office of the Senate Secretary or House Chief Clerk. When a measure is filed in the hopper, it is formally designated as a bill, resolution or memorial. The first bill introduced each session is S.B. 1001 in the Senate and H.B. 2001 in the House.

Members may introduce measures in the Senate during the first 22 days of a regular session and during the first ten days of a special session. A measure may be introduced in the House of Representatives during the first 29 days of a regular session and during the first ten days of a special session. After these deadlines, bills, resolutions and memorials can be introduced only with the permission of the respective Rules Committee, except that in the House the introduction of death resolutions may continue without the permission of the Rules Committee.

To expedite processing, bills, resolutions and memorials may be “prefiled” before the session begins. Prefiled measures are considered to be introduced on the first day of the session. After the certification of the election of members-elect, they may prefile measures for introduction in the first regular session. Members may prefile measures for introduction in the second regular session beginning November 15 preceding the session. Members may prefile special session measures after the Governor issues the call for the session, if the measures are germane to the call.

## First and Second Reading

The Arizona Constitution requires that to be enacted a bill must be “read by sections” on the floor of both the House and Senate on three different days. This requirement is intended to provide time for legislators to become informed about the details of the bills and to allow for public reaction and response to legislative proposals before they are enacted. To expedite moving the bills, on the opening day of each session the Majority Leader may move to declare an emergency and suspend the rules so that all bills, resolutions and memorials may be read by number and short title only. These formal “readings” are called first, second and third reading, and each reading triggers a separate action in the progression of a measure through each house. For example, on first reading in the House, the measure is “referred” to the Chief Clerk for printing and assigned to appropriate committees. The Speaker may thereafter have the bill second read at any time before its consideration by the Committee of the Whole. In the Senate, bills may be referred to committees at either first or second reading. In both the House and Senate, third reading is a formal voting process and is discussed more fully below. The Arizona Constitution allows either house to suspend the requirement of readings on three days in the event

of an emergency and on the vote of at least two-thirds of the members. This is typically done for special sessions considering only a few bills that have been discussed and publicized before the session is held.

## **Committee Action**

As discussed earlier, the Legislature is involved with such a large volume of matters involving complex and technical subjects that it would be simply overwhelmed if it tried to conduct all of its business as a full body. Consequently, each house assigns its members to various standing committees to consider the details of the various measures. The standing committees are established by House and Senate Rules.

The presiding officer assigns bills, resolutions and memorials to standing committees to consider the merits of the proposals and for hearings, testimony and debate. Under House Rules, assignment to a committee is mandatory on first reading. In the Senate, committee assignment is not automatic, but the President, in practice, rarely if ever withholds a bill from referral to a committee. A measure is usually referred to at least one committee in its house of origin, and all legislation is assigned to the Rules Committee. In the second house a measure is usually referred to only one committee and that chamber's Rules Committee. If a bill includes an appropriation of money, it will normally go to the Appropriations Committee in each house in addition to any other committees to which it is assigned.

Once a measure has been referred to a committee, the committee chairperson has broad discretion over the measure's fate. If a measure is not heard in committee, it usually means that the legislation will not progress further in the process, although the sponsor may have other options to pursue, such as a motion to "discharge" the committees or amend the measure onto an active bill somewhere else in the process.

## ***Notice and Agendas***

Standing committees usually meet on the same day each week during all but the last few weeks of the regular session. Depending on the calendar and scheduling conflicts, legislative deadlines allow up to eight meetings during the first half of the regular session for committees in each house to hear legislation originating in that house. Sometimes committees are allowed to hold additional meetings to accommodate an extraordinary number of bill assignments or to hear bills of special importance.

A written public notice for each regular or special committee meeting and an agenda listing all bills, memorials, resolutions and other matters to be considered is required to be distributed to each member of the committee and the Secretary of the Senate or Chief Clerk of the House at least five days prior to the committee meeting. The notices and agenda are also available in several public locations, as well as the Internet, and are available to the public on request. No other measure may be discussed at the meeting without the unanimous consent of all committee members. Listing a measure on the agenda indicates only that it is eligible for hearing at the meeting but does not guarantee that it will actually be heard.

## *Hearing*

The committee convenes at the scheduled meeting time and place for a hearing on the matters listed on the agenda. At the beginning of the meeting the chairperson usually announces any changes to the printed agenda, as allowed by the adopted rules, including:

- Whether any legislation is to be “held.” A measure may be held for a number of reasons, including technical problems, apparent lack of support, not enough meeting time to hear the bill or ongoing negotiations among interested parties that will affect the bill’s contents.
- Whether any bills are to be assigned to a subcommittee, as discussed below.
- The order of hearing the bills, resolutions and memorials that are up for consideration. It is not always possible to hear every bill on the agenda, so the chairperson may give priority to some bills over others.

The normal procedure for considering each measure begins with an objective explanation by the committee’s research analyst or intern, including features of the bill and other background information. The committee staff usually prepares and distributes a fact sheet or bill summary and may announce whether amendments have been proposed. If the sponsor of the bill is present, the chairperson may invite the sponsor to begin the testimony on the bill.

Committee chairmen are not required to allow public testimony on any measure, but if there is time and a need to hear explanations of support or opposition, the chairperson almost always allows persons who wish to testify to come forward and present their reasons for opposing or supporting the measure. Persons wishing to testify must complete a request form and deliver it to the chairperson. All persons are eligible to testify to inform, advocate, oppose or state any concern related to legislation being considered by a committee.

When all public testimony has concluded, all amendments have been considered and either rejected or adopted and other committee discussion and debate on a measure are over, and if the committee chairperson is willing to proceed with a vote, one of the members of the committee, usually the vice-chairperson, moves that the bill (as amended, if applicable) be returned to the full house with a “do pass” recommendation. At this point there may be some parliamentary maneuvering, but eventually the chairperson calls for a roll call vote of the committee members. Each member has the option of voting “aye,” “no” or (in the House only) “present” (an abstention). A member may initially “pass” in the case of indecision or if the member wants first to see how other members vote, but each member who is present must eventually vote. There is also a procedure for excusing oneself from voting in the case of a conflict of interest on specific bills. The chairperson always votes last, and then publicly announces the results of the vote. If there is a quorum, a majority of that quorum present for the vote is required to advance the bill.

After the committee hearing, the committee secretary prepares and distributes written minutes of the meeting and the report of all bills considered, including a record of all roll call votes. In addition, all amendments to the bills that were adopted by the committee are printed and distributed but are not yet incorporated into the bill. Committee-adopted amendments are kept separate from the bill until they are adopted by the Committee of the Whole. Reports of standing committees are read on the floor as they are received.

## ***Subcommittees***

A committee chairperson may appoint a subcommittee, composed of members of the full standing committee, and refer one or more of the committee's bills or other measures to the subcommittee. As with the full standing committee, there is no mandate for a subcommittee to actually meet and consider any bill assigned to it, but if a subcommittee does hear a bill, the subcommittee reports the bill back to the full committee with its recommendations.

There are two primary reasons for referring a measure to a subcommittee. The bill before the full committee may require changes that are too complicated or detailed to be conveniently accomplished in a full committee hearing. A smaller subcommittee allows for informal and direct discussion and debate over the fine points and details. Another reason for a subcommittee is that the committee chairperson may oppose a measure but wants to avoid criticism for not hearing it at all. The chairperson may assign the measure to a subcommittee with the informal understanding that it will not be reported back to the full committee, effectively "burying" it in the subcommittee.

Any subcommittee may meet at any time on the call of the subcommittee chairman, if the meetings are announced on the floor of the House or Senate in open session prior to the meeting. A subcommittee, without distributing a written agenda, may consider any matter assigned to it by the chairman of the standing committee.

## ***Amendments***

It is rare for any bill or other measure to pass through the legislative process in its original form. The original form of a bill reflects only the intent and understanding of the sponsor, the drafter and anyone else who happened to be involved in producing the bill as it was introduced. However, once introduced into the public domain, a measure becomes subject to intense scrutiny. If legislation proceeds at all, it is almost always modified or amended to satisfy the desires and concerns of other legislators, the Governor, members of the general public and special interest groups. Introducing a bill automatically subjects it to the amendment process.

Amendments are the additions, deletions or modifications to bills or other measures proposed by a legislator or committee. Amendments may be proposed and adopted in a standing committee, the Committee of the Whole or a conference committee. Legislators generally amend bills because they are in favor of much of the bill's content, but they disapprove of a portion or portions of the bill or believe important language has been or should be omitted. An amendment may strengthen or weaken a bill or only correct technical flaws. A "strike everything" amendment may even entirely change the bill (these types of amendments are particularly unique and are discussed in detail below).

Amendments are drafted to refer to the appropriate page and line of the original or engrossed bill or of another amendment if the amendment is proposed as an amendment to another proposed amendment. The amendment contains instructions for inserting or deleting words or blocks of text in the original document and, except in the case of a "strike everything" amendment, must be read together with the original measure to understand what the amendment does.

Standing committees may adopt rules addressing the advance circulation of amendments to committee members, and the chairman may disallow an amendment that does not comply with the rule, may without objection accept the amendment or may postpone action on the measure until adequate notice has been given.

A “strike everything after the enacting clause” amendment (also referred to as a “strike everything” amendment or simply a “striker”) proposes to delete the entire text of the existing bill and substitute new language, essentially making it a completely different bill, possibly on an entirely different subject. These amendments are sometimes used to allow legislators to circumvent the deadlines on introduction of new legislation, deal with an issue that arises after the deadline or revive a bill that has previously been defeated. Because of the drastic effect of a strike everything amendment, legislative rules impose extended posting and notice requirements beyond those for other amendments. Moreover, protocol requires a legislator offering a striker to first get the permission of the original bill’s sponsor. Legislators may not propose strike everything amendments in either the Rules Committee or Committee of the Whole of either house or in a conference committee.

### ***Appropriations Committees***

The Appropriations Committees in both the House and the Senate consider all bills that contain an appropriation of public money. The respective committees determine whether sufficient funds are available to cover the appropriations described in the bill. Most bills considered by the Appropriations Committees also contain proposed laws so they are also considered by other standing committees, as assigned by the Speaker or President. Some bills consisting entirely of appropriations requests are referred solely to the Appropriations Committee.

The Appropriations Committees must keep an accounting of projected revenues that will be available for appropriation each fiscal year and the amount of appropriation requests contained in the various bills. Because the requested amounts always exceed the available funds, the Appropriations Committee, and especially the chairperson, must be willing to cut the amounts requested and incur the disappointment and displeasure of those receiving nothing or less than they expected. On the other hand, having control of the state purse naturally affords these committee members and chairpersons great power and influence among their peers.

The Appropriations Committees consider state budget bills such as the state general appropriations (“feed”) bill, the capital outlay bill and omnibus reconciliation bills (ORBs) as described in Chapter Seven of this manual.

### ***Rules Committees***

Each measure is assigned to the Rules Committee of the house through which it is progressing, in addition to any standing committees to which it is assigned (including the Appropriations Committees). The Rules Committees assess the constitutionality of the proposed legislation, ensure that bills are in proper form and decide whether proposed amendments are germane. With the assistance of the Rules attorneys, the committees review the proposed legislation’s consistency with the United States and Arizona Constitutions and Arizona and federal law and check for other technical inconsistencies and problems.

The written agenda for the Rules Committee is the calendar of the Committee of the Whole. The Rules Committees may propose amendments based on technical or corrective

considerations. Unless they are withdrawn or discharged, all bills must pass the Rules Committee before they are heard on the floor.

## Caucus

Caucuses provide the political parties in each house with a forum for discussing and, if possible, achieving party consensus on legislation and various other issues such as the state budget and, in the Senate only, the Governor’s nominations to state agencies, boards and commissions. Since it is impossible for legislators to attend all standing committee meetings, they may know little or nothing of many bills until they are brought to caucus. Meetings of the caucuses are conducted as part of the legislative process to review legislation that has cleared the assigned committees but before consideration and formal debate by the full chamber.

The caucus whip normally presides at the caucus meeting, and legislative staff and sponsors explain the measures and answer questions. The legislation is not formally debated or voted on in caucus, but the reaction of caucus members may reveal the level of support or opposition the sponsor may find on the floor. It is at this time when members of the caucus discuss possible floor amendments that may be offered during Committee of the Whole. Bills are usually discussed simultaneously at majority and minority caucus meetings so they can proceed to the floor expeditiously.

All bills that make it to caucus either go forward in the legislative process (*i.e.*, “get out of caucus”) or are tabled for further research or discussion at a later date. However, every bill must be “caucused” (*i.e.*, discussed by the caucus) before it can be considered by the entire chamber during Committee of the Whole. Although both the majority and minority caucuses review bills, only the majority caucus, through its legislative leaders, has the power to impede a bill’s progress or kill it altogether.

Generally, each caucus meets at least once a week during the regular legislative session, but during the latter part of the session, with more pending legislation, the caucuses meet more frequently. Although the meeting times may vary throughout the session depending on the number of bills ready for caucus discussion and other scheduling demands, the caucuses of each party typically meet at the same time. The time and place of the meetings are usually announced from the floor of each house on the day the caucuses will meet.

Both Senate and House Rules require that, with certain exceptions, all meetings of political party caucuses be open to the public. However, individuals other than legislators and staff are not invited to participate directly. A caucus may conduct a closed meeting to elect its own officers and officers of that chamber and to discuss limited matters permitted in executive session, such as personnel and legal considerations. The House and Senate Rules also require each caucus to establish procedures for convening authorized executive sessions.

## Calendars

Senate and House Rules refer to the following categories of calendars of business reported from standing committees:

- A calendar consisting of all bills and other measures that have been reported from the committees. In the House this is called the “House Calendar.” In the Senate it is

called the “Calendar of the Committee of the Whole.” These calendars are simply a list of bills and other measures that are ready for further action by the full chamber. In the Senate, bills, resolutions and memorials must remain on the Calendar of the Committee of the Whole for at least five days before they can be placed on the active calendar unless the Senate authorizes the President to place them on the active calendar earlier. In the House there is no five-day rule.

- An Active Calendar of the Committee of the Whole (so called in both houses) consisting of bills the Speaker or President selects for consideration by the respective Committee of the Whole. Although not required to do so, the Speaker or President may select any bill for the Active Calendar and may use this prerogative to delay or prevent the further progress of a bill they oppose or expedite a bill they support.
- A Consent Calendar (called a “Unanimous Consent Calendar” in the Senate) consisting of unamended bills reported out of all assigned committees. Unless a member objects to a measure on the Consent Calendar, these bills are “accepted” and bypass the Committee of the Whole and proceed directly to third reading. In the House, a member has three working days to protest a bill being so accepted. In the Senate the time period is 48 hours, excluding nonworking days, to protest. Any member may protest for any reason, and a protest automatically removes the bill from the consent calendar and places it on the Calendar of the Committee of the Whole for floor debate.
- Third reading calendar and Senate calendars that will be more fully discussed under Third Reading, below.

## **Committee of the Whole**

Committee of the Whole (short for Committee of the Whole House or Committee of the Whole Senate, usually referred to simply as “COW”) is made up of the entire membership of the House or the Senate. This is the stage in the legislative process when the full chamber has the opportunity to debate and amend bills. The purpose of the Committee of the Whole is to allow all members of the entire body more complete and informal discussion of measures than could be had under the ordinary rules of procedure. Committee of the Whole is open to the public, but no public testimony is taken.

Bills are referred to the Committee of the Whole in the House or the Senate only after they have been favorably reported out of all standing committees to which they have been assigned and have been heard in the majority and minority caucuses.

To convene Committee of the Whole, after routine business on the daily calendar has been completed, a motion is made that the chamber resolve itself into Committee of the Whole for consideration of bills on the Active Calendar. After approval of this motion, the Speaker or President appoints a member of the chamber to act as chairman of the committee and to preside over the committee deliberations. Some members who are particularly adept at parliamentary procedure and are able to move the debate and proceedings along efficiently and effectively may act as COW chairperson several times during a legislative session, while others may prefer not to preside and are never appointed as chairperson.

A majority of the members of a chamber constitutes a quorum to conduct business in COW. To open COW deliberations, the chairman asks that the title of the bill be read by the Chief Clerk in the House or the Secretary in the Senate. This function is generally performed by the reader and is usually considered to be the second reading in the House. In the Senate, however, the bill has been second read previously on referral to the standing committees.

### ***Floor Debate***

After the title of the bill has been read, the chairman calls on the sponsor of the bill or the chairman of a committee from which the bill was favorably reported to make the appropriate motion, which opens the bill to debate and amendment. The measure's sponsor or the appropriate committee chairman usually begins debate. Any member may speak after first being recognized by the chairman. A legislator indicates a desire to speak by standing up or signaling with a microphone.

Although both the House and Senate Rules contain provisions relating to proper decorum to be used during debate, COW deliberations are fairly informal and legislators are generally free to say whatever they wish and to speak as long and as often as they wish if they are recognized by the chairman.

If there are amendments to the bill that were favorably reported out of standing committees, these amendments must also be approved during COW. It is important to note that although a committee amendment has already been approved by the standing committee in which the bill was heard before it reached COW, that amendment is not yet considered to be incorporated into or a part of the bill until it is considered separately and adopted by the COW.

Amendments are considered in a similar manner as the bill itself. After the sponsor or appropriate committee chairperson has opened the bill to debate by presenting the appropriate motion, the committee chairperson is then called on to explain the amendment and open debate on that amendment. Amendments are adopted or rejected by voice vote.

After a bill has been fully debated and anyone wishing to speak has been given an opportunity to do so, the chairman will call for a voice vote in recommending that the bill be passed. A voice vote is taken with members present responding either "aye" or "nay." The chairman listens to determine what response has received the majority of votes. If any legislator wants to challenge or confirm the chairman's determination, or if the chairman is in doubt, a standing vote may be taken. During COW, roll call votes are used only to formally confirm that a bill has failed to receive a do pass recommendation.

### ***Floor Amendments***

Amendments that are first proposed during the proceedings of the Committee of the Whole and that have not previously been reported from standing committees are called "floor amendments." COW provides members with an opportunity to amend bills that were not assigned to the committees of which they are members. Opponents of a measure often use the opportunity to present floor amendments to weaken a bill, to offer alternatives to portions of the bill or to "send a message" regarding areas of dissatisfaction with a bill.

A floor amendment may amend the printed bill or may be an amendment to an amendment. Floor amendments are adopted or rejected in the same manner as committee

amendments; each amendment is considered separately and is debated and accepted or rejected by voice vote. If one or more amendments are adopted in COW, the sponsor of the bill will move that the bill do pass “as amended.” A final voice vote is then called on the bill as amended.

Bills on the Active Calendar of the Committee of the Whole may be “cleared,” meaning that a vote has been taken on the bill, or “retained.” A bill that is retained is skipped over and returned to the House Calendar or the Calendar of the Committee of the Whole, perhaps to be heard in COW on another day or never again. After all bills on the Active Calendar have been either cleared or retained, the Committee of the Whole report is approved, again by voice vote. The Committee of the Whole report includes all bills and their adopted amendments that have been favorably reported out of COW.

Once a bill has been favorably reported out of the Committee of the Whole it is placed, in the Senate, on the Senate Calendar. In the House, this calendar is called the Third Reading Calendar. These calendars indicate that the listed bills are eligible to be considered for third reading.

### ***Engrossing***

A bill that has been reported out of Committee of the Whole is forwarded to Legislative Council for engrossing. This means that all amendments that were adopted in COW are now incorporated into the bill. The engrossed bill is reprinted, on green paper for a House engrossed bill or on goldenrod paper for a Senate engrossed bill. From this point forward, a bill and its adopted amendments are considered as a whole and any further actions on the bill will refer to the engrossed bill. A bill is always engrossed before third reading (or final passage).

Occasionally an issue that requires attention or correction is discovered after a bill has already been “COWed.” Normally, a bill once COWed cannot be further amended in that body. No amendments are allowed in third reading. However, the Senate and House Rules allow each body to address these matters by “sitting as in” Committee of the Whole (“sit COW”). The process basically returns the bill to an Active Calendar for amendment. Since sit COW breaks the routine order of business, it is allowed by leadership only in extraordinary circumstances and for limited corrective purposes.

### **Third Reading**

Once a bill has been engrossed, the President or Speaker usually places the measure on the calendar for third reading. In both the House and Senate, third reading is a formal voting process.

Like Committee of the Whole, the third reading of bills is also one of the regular orders of business of the House and Senate. When this portion of the daily calendar is reached, the President or Speaker requests that each bill be read for a third and final time.

Once the reader has read the title of a bill, voting on the measure occurs by means of electronic roll call votes. No debate is allowed and no amendments may be proposed during third reading. Members are allowed, however, to “explain” their votes and occasionally use that opportunity to persuade wavering members to their side. Unlike in Committee of the Whole where a measure is approved by voice vote, indicating that the majority of those voting approves,

for a measure to pass on third reading it must receive the support of a majority all of the members of the chamber. Therefore, in the Senate, a bill must receive at least 16 votes to pass, while in the House 31 votes are required. This means that members absent during a roll call vote effectively vote against the measure.

While the Arizona Constitution requires that most bills receive the support of a majority of the members of a chamber in order to pass, “Prop 108” and “emergency” bills require the support of a “supermajority” (two-thirds of the members of a chamber) to pass. A Prop 108 bill raises state revenues by increasing taxes or fees. Emergency bills are those that must take effect before the general effective date to protect the public peace, health or safety. Both Prop 108 and emergency bills are effective immediately on signature by the Governor.

After a measure has been passed on third reading, the Speaker or President will sign it and direct the Secretary or Chief Clerk to transmit it to the other chamber (except for simple resolutions and simple memorials that are directed to the Secretary of State’s office instead of the other chamber).

## **Second House Consideration**

When a bill is passed by the chamber in which it originated, it is then sent to the second house where it is required to go through the entire process all over again. The bill will be referred by the Speaker or President to standing committees, including the Rules Committee, for hearings and amendment, it will be discussed in the majority and minority caucuses and it will be debated and possibly amended in the Committee of the Whole and move on to third reading. That is, of course, if everything moves along smoothly for the bill. During any of these stages in second house consideration, the bill may be amended, be held or fail to pass as was also the case when the bill was being considered in its house of origin.

If a bill passes out of the second house without being amended, and is therefore exactly the same version that passed out of its originating house, the bill is returned to the originating house and is then transmitted to the Governor.

## **Concur / Refuse, Conference Committees**

It is not uncommon for a bill to be amended in the second house of consideration, thus causing the version of the bill that passes out of the second house to be different from the version that passed out of its house of origin. Sometimes amendments made in the second house are relatively insignificant while at other times dramatic changes are made. For a bill to pass the Legislature and be transmitted to the Governor, however, the House and Senate must first agree on the exact same version of a bill.

When legislation is returned from the second house in a different form, two actions may be employed to reconcile the House and Senate versions. The chamber of origin may concur with and accept the amendments made by the second house or the chamber of origin may refuse to concur and request that a conference committee be appointed. In the case of concurrence, the bill is delivered to the caucuses for discussion and then proceeds to final passage. In the case of refusal to concur, the Speaker or President appoints members of a conference committee and notifies the other presiding officer to appoint conference committee members from that chamber.

Normally, separate individual committees are created for each bill requiring conference resolution of differences. Conference committees are made up of an equal number of members from both the House and the Senate. A conference committee is not a joint committee but a joint meeting of two committees. The required quorum is a majority of each of the two committees, and each of the committees votes separately. Particularly during the waning hours of a session, conference committees may become informal proceedings, but their meetings are open to the public and public testimony may be allowed. There are two types of conference committees:

- A simple conference committee must limit its actions to only those areas where differences exist between the House and Senate versions of a bill and may only remove language from those versions or choose one or the other version.
- A free conference committee may consider entirely new provisions in addition to the provisions in the House and Senate versions, but it may not adopt a “strike everything” amendment, and the adopted amendments must be constitutional and germane to the bill.

If no agreement is reached reconciling the House and Senate versions of a bill, the President and Speaker may discharge the conference and accept an earlier version of the bill or else the bill fails in conference and moves no further in the process. If an agreement is reached, the conferees issue a conference committee report that is drafted in a manner similar to an amendment, referencing an engrossed version of the bill. Occasionally, some members of a conference committee may oppose the conference agreement and issue a minority report.

When the conference committee report is signed, it, together with any minority reports, is delivered to the Speaker and President who refer the bill with the reports to the different caucuses. After caucus discussion, the conference report is considered and adopted or rejected by the second house (the house that did not originate the bill) and then by the house of origin. Once the identical conference report is adopted by both houses, the conference amendments are engrossed into the bill and a “conference engrossed” version of the bill is printed containing all of the adopted amendments, and the bill is placed on the calendars of both houses for final passage. If either house rejects the conference report, the leadership must decide whether to direct the conference committees to reconvene and try again or abandon the effort and allow the bill to die.

## **Final Passage and Transmission to Governor or Secretary of State**

If the house of origin concurs in the amendments to a measure adopted by the second house, it proceeds to final passage in the house of origin.

If the measure has been to conference committee and both houses have adopted the conference committee report, the measure is ready for final passage in both houses. In this process, the house of origin conducts a roll call vote on the final version of the bill, resolution or memorial and, if it passes, transmits the measure to the second house for a similar roll call vote. If approved by the second house on final passage, the second house returns the bill to the house of origin.

When all of the votes have been taken on a measure and the President and Speaker have signed it and all other administrative actions are completed, the measure (now known as the “enrolled” bill, resolution or memorial) is transmitted to either the Governor or the Secretary of State. Bills and joint resolutions are sent to the Governor and require the Governor’s signature or acquiescence to become law.

Simple and concurrent resolutions and memorials do not require the Governor’s approval but are sent instead to the Secretary of State who files them as a matter of public record or otherwise handles them according to their instructions. Memorials may instruct the Secretary of State to forward them to officials in the federal government or in another state. Concurrent resolutions may have to be submitted to the voters at a coming election.

## **Gubernatorial Action**

Once a bill (or joint resolution) reaches the desk of the Governor, the Governor must act on the bill in one of the following ways: sign the bill, transmit the bill to the Secretary of State without signing it or veto the bill.

The Governor has five days (not including Sundays) while the Legislature is in session and ten days once the Legislature adjourns to act on a bill. A bill is enacted into law if the Governor either signs the bill within the five- or ten-day time frame or allows the deadline to pass without taking action on the measure. Once a bill is enacted into law by either of these means, it is filed with the Secretary of State where it receives a number, known as a chapter number, that is given in chronological order based on when the enactment was filed. Legislation that has been enacted into law is known as an act and is referred to by its chapter number.

Of course the Governor also has the option of vetoing a bill. A vetoed bill is dead unless the Legislature is still in session and is able to garner enough votes in favor of the bill to override the Governor’s veto. Two-thirds of the members in both houses of the Legislature must vote in favor of the bill to override a veto by the Governor. If the measure contains an emergency clause or is a Prop 108 bill, the approval of three-fourths of each house is needed.

The Constitution of Arizona also provides the Governor with the line-item veto. The line-item veto allows the Governor to veto specific items in appropriations bills. The Legislature may also override a line-item veto.

If the Governor vetoes a bill or an item in an appropriations bill, a message is sent to both chambers outlining the reasons for this action.

All of the bills, resolutions and memorials that are enacted, and all veto messages, are compiled and published in the Session Laws.

## **Effective Date**

Most legislative enactments become effective 90 days after the close of the legislative session. The purpose of the 90-day interim period is to allow opponents of enacted legislation time to circulate referendum petitions to prevent the legislation from taking effect until the voters have the opportunity to approve or reject it at the next election. If no valid petition is filed with

the Secretary of State within 90 days, the measure takes effect on the 91st day (known as the general effective date) or on some other date specified in the bill.

There are exceptions to this 90-day delay. Enactments for which the general effective date does not apply are: 1) emergency laws, 2) laws that provide for the “support and maintenance” of state agencies and institutions and 3) laws that increase state revenue by raising taxes and fees, otherwise known and referred to as “Prop 108” bills. The Arizona Constitution provides that these three kinds of laws become effective immediately when the Governor signs them.

# Chapter Seven

## The State Budget Process

**P**reparing the state’s annual spending plan is a year-round process that determines the size and scope of government in Arizona. Two state agencies share the responsibility for developing the annual budget. They are the Office of Strategic Planning and Budgeting (OSPB) in the executive branch and the Joint Legislative Budget Committee (JLBC) in the legislative branch.

On or before June 1 of each year, OSPB issues instructions to the state budget units (agencies) to guide them in preparing their budget requests for the fiscal year (July 1 through June 30) following the calendar year in which the budgets are prepared. The budget units submit their requests for the next two fiscal years.

The budget units must submit their requests to the Governor by September 1, or within an extension of 30 days thereafter if approved by the director of OSPB. OSPB sends a copy of each agency’s budget request to the staff of the JLBC, which begins to develop its own budget proposals. Analysts from each office work closely with the budget unit financial officers to determine the programs and funding for each agency function.

Between September 1 and the opening day of the legislative session, the executive and legislative staffs review the budget submissions and prepare the executive budget recommendations and the proposed legislative budget recommendations, respectively. These documents contain operating and capital outlay expenditure plans, estimated revenues and federal funds proposals.

Annually, no later than five days after the regular legislative session convenes, the Governor must submit a budget to the Legislature. The budget must contain a complete plan of proposed expenditures and all monies and revenues estimated to be available. Also required is an explanation of the basis of the estimates and recommendations, including proposed legislation, if any, that the Governor deems necessary to provide revenues to meet the proposed expenditures. JLBC must then prepare an analysis of the Governor’s budget as soon as possible, with recommendations for revisions in expenditures.

Legislative review and deliberation of the two budget options begin shortly after the regular session convenes. Public hearings occur before both the Senate and House Appropriation Committees. The committees may adopt the executive budget or the JLBC staff budget, or they may elect to adopt a budget containing elements of both budgets or entirely new elements.

The Appropriations Committees of each house develop budget recommendations. Both committees are divided into subcommittees that cover the broad functional areas of state government. The approximately 115 state agencies are divided among three subcommittees in a

manner that attempts to equalize work loads. The budget is developed through a process that includes public hearings, subcommittee deliberations and caucus deliberations. During the first week of the session, the JLBC staff briefs the Appropriations Committees on the JLBC budget recommendation. The staff also compares and contrasts its recommendation to the Governor's recommendations. The next step is for subcommittees to "adopt" their budget recommendations for each agency. The subcommittee provides recommendations with regard to funding levels, the number of authorized full-time equivalent (FTE) employee positions, footnotes containing directions and limitations on how the money should be spent, statutory revisions and appropriations report guidance. On completion of the subcommittee work, full committee work and caucus deliberations, the full House and Senate will consider the general appropriations bill with the goal of having the legislation to the Governor before the end of March.

During the legislative session, public hearings are conducted, and before July 1 the budget is adopted by the Legislature through the passage of a general appropriations act, a capital outlay bill and various omnibus reconciliation bills (ORBs). In certain years, the budget bills have been considered during a special session of the Legislature to provide time for their enactment before the beginning of the new fiscal year on July 1. The capital outlay bill is for the purchase and construction of land and buildings. The reconciliation bills are used for statutory adjustments that must be implemented to carry out the adopted budget. A bill to pay past claims against the state, known as the "named claimants bill," and numerous supplemental appropriations bills are also considered during each regular session of the Legislature. Once adopted, the bills are presented to the Governor for approval.

In addition to the normal options of signing or vetoing the bills or allowing them to become law without signature, the Governor may "line-item veto" individual items of appropriations. The Legislature may attempt to override a line-item veto in the same manner as a normal veto override attempt.

Originally enacted in 1993, a budgetary process called "strategic program area review" (SPAR) requires each state agency to develop plans and performance measures to support its budget requests. The agency responsible for a program subject to SPAR initiates the process by conducting a self-assessment of the program. This assessment answers specific questions in various categories: background information, program funding, strategic planning, performance measurement, performance results and other issues posed by the Legislature, the executive branch or the agency. Agencies are required to submit their written self-assessments to the OSPB and JLBC by September 1 of the preceding year. In the second phase, the OSPB and JLBC staffs jointly review the agency self-assessments and gather additional information, as appropriate, to validate agency responses. Together the two staffs prepare a draft report of their findings for each of the programs under review. Before the legislative session begins, agencies are afforded an opportunity to review and comment on the draft reports. The OSPB and JLBC staffs then determine whether revisions are necessary based on the additional information provided by the agencies. Each agency reviews the final product and prepares a formal response for inclusion in the published reports. By law, the OSPB and JLBC staffs are required to publish a final joint report for each SPAR by January 1. The staffs also prepare a composite SPAR document that is provided to each legislator, the Governor and the affected agencies. In the third phase of the SPAR process, Appropriations Committees or other standing committees hold at least one public hearing to recommend whether to retain, eliminate or modify (REM) funding and related statutory references for the programs.

The Joint Committee on Capital Review was established by the Legislature in 1986 and consists of 14 members, including the chairmen of the Senate and House of Representatives

Appropriations Committees, the Majority and Minority Leaders of the Senate and the House, four members of the Senate Appropriations Committee appointed by the President and four members of the House Appropriations Committee appointed by the Speaker of the House. The primary powers and duties of the Joint Committee on Capital Review relate to ascertaining facts and making recommendations to the Legislature regarding state expenditures for land, buildings and improvements. This portion of the state budget is known as “capital outlay.” The Committee has the following powers and duties:

- Develop and approve a uniform formula for computing annual building renewal funding needs and a uniform format for the collection of data for the formula.
- Approve building systems for the purposes of computing and funding building renewal and for preparing capital improvement plans.
- Review the state capital improvement plan and make recommendations to the Legislature concerning funding for land acquisition, capital projects and building renewal.
- Review the expenditure of all monies appropriated for land acquisition, capital projects and building renewal.
- Before the release of monies for construction of a new capital project that has an estimated total cost of more than \$250,000, review the scope, purpose and estimated cost of the project.

The state operating budget is prepared and enacted using what is called the cash basis of accounting. Budgetary cash basis of accounting recognizes expenditures when they are estimated to be paid and revenues when they are estimated to be received by the State Treasurer. Budgetary control is maintained through legislative appropriation and an executive branch “allotment process.” The allotment process allocates appropriations into quarterly allotments according to the appropriation level. The state also maintains an encumbrance accounting system to further enhance budgetary control. With the exception of capital outlay items, encumbrances outstanding at the end of the fiscal year can be paid during a four-week administrative period known as the 13<sup>th</sup> month. Capital outlay appropriations and their encumbrances continue until the project is completed or abandoned. Unspent appropriations revert to the state general fund after the 13<sup>th</sup> month unless they are specifically exempted from lapsing, in which case they are retained in the agency fund until they are used, as determined by the Legislature.

# Chapter Eight

## Legislative Oversight

### Sunset Review of State Agencies and Programs

**S**unset review is the process by which the Legislature reviews the purpose and functions of state agencies and programs on a scheduled basis to determine whether the agency or program should be retained and continued or revised, consolidated or terminated. Most state agencies and some programs have assigned sunset termination dates on which the agency or program terminates automatically, unless the Legislature takes action to continue it.

The sunset review process is initiated by the Joint Legislative Audit Committee when it reviews the list of agencies that are scheduled for termination and determines which agencies should be subject to sunset review. The committee must initiate this process at least 19 months before the agency's scheduled termination date and must complete a draft sunset review report at least 11 months before that date. The agency under review is given an opportunity to review the draft and to submit written comments and rebuttals.

To assist in its review the Joint Legislative Audit Committee may direct the Auditor General to conduct a performance audit to determine:

- Whether the agency is managing or using its resources in an economical and efficient manner.
- The reasons for inefficiencies or uneconomical practices.
- Whether the desired results are being achieved.
- Whether the objectives established by the Legislature are being met.

The committee must submit a preliminary report to the Governor, the Legislature's standing "committee of reference" and the agency by October 1 of the year before the agency's scheduled termination date. The committee of reference conducts public hearings regarding the preliminary report and prepares the final sunset review report for the Governor, legislative leadership and the Auditor General. The committee of reference is responsible for preparing any legislation that is necessary to implement its recommendations.

Sunset review should not be confused with the sunrise process, which is an evaluation of the desirability of new regulations for a health-related profession.

## **Senate Advise and Consent on Gubernatorial Appointments**

Among the checks and balances that the Legislature possesses is the power of the Senate to confirm, or reject, gubernatorial appointments to certain executive branch offices. There are hundreds of government offices in the executive branch that are filled by appointment by the Governor. These offices include department heads and members of boards, commissions and study committees, and many are required by law to be approved by a majority vote of the Senate before the appointment officially becomes effective.

When Senate confirmation is required, the Governor nominates an individual to fill the office and forwards the individual's nomination papers to the President of the Senate. The President transmits these papers to an appropriate standing committee whose subject area is related to the agency involved in the appointment. The committee chairman has discretion whether to hold a hearing to consider the nomination, but if the chairman refuses to hold the hearing, the President may remove the nomination from the committee and bring it directly to the floor. The normal process, however, is for the standing committee to hold a hearing to interview the nominee and receive testimony from other interested individuals who may support or oppose the nomination. The committee then votes by roll call and issues its report recommending whether the Senate should "advise and consent" to the nomination.

After the committee recommendation is issued to the full Senate, the nominee's name goes onto a list of nominations awaiting confirmation where, absent unanimous consent, it must remain for at least seven calendar days. Unlike bills, a nomination does not go to the Committee of the Whole. When it is brought to the floor, the nomination is placed on the last item in the order of business for a vote on the question, "Will the Senate advise and consent to this nomination?" It is voted on by voice vote unless a roll call vote is requested. If a nomination is approved, the Senate Secretary delivers a resolution of consent, certified by the President of the Senate, to the Secretary of State, who notifies the Governor. If a nomination is rejected, the Senate Secretary notifies the Governor directly. A rejected nominee cannot serve in the office, and the Governor must nominate another person.

If the Senate does not take action on a nomination or if a nomination is made when the Legislature is not in session, the nominee assumes the duties of the office subject to confirmation during the next legislative session. However, a nominee cannot serve longer than one year after nomination without Senate consent.

# Chapter Nine

## Impeachment

Impeachment is a rarely used legislative process for removing a public officer or judge from office. It is one of the Legislature’s checks and balances against the other branches of government. Impeachment derives from 14<sup>th</sup> century England when the royal ministers became accountable to Parliament rather than to the King. The framers of the United States Constitution, recognizing the potential for misdeeds and oppression by powerful government officers, gave Congress the power of impeachment. The states have relied on this historical perspective to adopt their own versions of the impeachment power. All state constitutions, except Oregon’s, provide for impeachment of elected officials.

Arizona’s Constitution, like most states, provides for a two-step process for removing an official by impeachment. Under this process, an official is “impeached” by the House of Representatives, *i.e.*, charged with “high crimes, misdemeanors or malfeasance in office,” and then tried, and either convicted or acquitted, by the Senate.

Impeachment is a political, rather than a criminal, proceeding. The purpose of impeachment is not to punish the wrongdoer but to protect the public by removing from office those who have abused their power or breached the public trust. If an officer resigns after impeachment proceedings have begun against him, the impeachment becomes moot and the proceedings end.

### Investigation and Indictment by House of Representatives

Technically, “impeachment” refers only to the investigation and indictment phase of the process of removing an official from office. Article VIII, part 2, section 1, Constitution of Arizona, provides that “[t]he House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment ... .” Additionally, Arizona Revised Statutes 38-312 provides:

*Impeachment shall be instituted in the house of representatives by resolution, and shall be conducted by managers elected by the house of representatives, who shall prepare articles of impeachment, present them at the bar of the senate and prosecute them ... .*

Extensive preliminary work is always conducted before the House issues a resolution and votes on impeachment. If there are allegations against an official that are so serious that removal from office may be imperative, the House will conduct an investigation into the charges. The investigation may be done by an independent investigator hired by the House or by a House committee, or by both an investigator and committee, having all the powers of the full Legislature

to compel attendance of witnesses and production of evidence by subpoena. If a special committee conducts hearings to gather evidence in the matter, it may adopt special rules of procedure.

If the investigation finds that there is probable cause to believe that the official has committed high crimes, misdemeanors or malfeasance in office, the House will proceed to consider a resolution of impeachment. As required by the Arizona Constitution, the resolution must be adopted by a majority of all members of the House (at least 31 votes). At the same time, the House will elect several of its members to a “board of managers” to prepare the articles of impeachment or formal written allegation of the causes for an impeachment. The articles of impeachment may be submitted for approval by the full House, but this approval is not required by law. The managers may hire legal counsel and other staff to prepare and support the prosecution in the Senate.

## **Trial by Senate**

An officer who has been impeached by the House of Representatives must be tried by the Senate. The board of managers from the House presents the articles of impeachment to the Senate, and the Senate then has ten days to organize itself into a Court of Impeachment. A copy of the articles of impeachment are also served on the accused officer to formally notify and inform the officer of the charges.

The Chief Justice of the Arizona Supreme Court presides over the Senate sitting as a Court of Impeachment. The Chief Justice serves only as the presiding officer to conduct the hearing, however, and does not vote. If the Chief Justice is disqualified for any reason, the Senate must elect another Justice of the Supreme Court to preside. During the ten-day organization period the Chief Justice and Senate leadership meet to prepare for the trial. They must appoint a clerk, who may be the Secretary of the Senate, a marshal, who is the Sergeant at Arms, and an assistant marshal. The Court of Impeachment may also employ clerical, legal and other assistants as required. The court also drafts procedural rules to govern the order of the trial.

On the first day of the hearing, the accused officer is required to appear and enter a plea or object to the sufficiency of the articles:

- If the officer pleads guilty or refuses to enter a plea, the court may enter judgment against the officer.
- If the officer fails to appear, the court may reschedule the hearing or proceed without the accused.
- If the officer submits written objections to the sufficiency of the articles, the court may sustain or reject the objections and, if rejected, the officer must answer the articles of impeachment.
- If the officer pleads not guilty, the court proceeds to try the impeachment.

If the impeachment proceeds to trial, the hearing is conducted according to the rules of procedure adopted for the Court of Impeachment. The procedure has general similarity to a court trial with lawyers representing the accused and the House’s board of managers, preliminary motions, opening arguments, presentation of evidence, witnesses who are examined and cross-

examined and closing arguments. The court may use the subpoena power of the Legislature to compel witnesses to appear or to produce evidence. Immunity from prosecution may be afforded witnesses who are compelled to give testimony or produce evidence that is privileged under the United States or Arizona Constitution. If a witness neglects or refuses to obey a legislative subpoena or to testify, the court may hold the person in contempt of the Legislature. After the testimony and examination of witnesses are complete, the lawyers present their closing arguments.

The Senators serve as judges in the Court of Impeachment. They may participate by asking questions of the witnesses and the presiding officer and making procedural motions. At the end of the closing arguments, the Senators must vote on each article of impeachment before the court. A two-thirds vote of all members of the Senate (at least 20 votes) is required to sustain an article of impeachment and convict the officer. A person who is convicted by a Court of Impeachment is removed from office. The Constitution also provides that the person may further be disqualified (again on a two-thirds vote) from ever again holding office under the Constitution and laws of the state. If the person is acquitted on each article of impeachment, the judgment of acquittal allows the person to remain in office.

## **Historical Perspective**

Impeachment is rarely used. There have been only three impeachment proceedings in Arizona through 2002. In 1933 two members of the Arizona Corporation Commission were impeached. One resigned before the proceedings began, and the other was acquitted on all counts in the articles of impeachment. Again in 1964, two members of the Arizona Corporation Commission were impeached. The Senate voted to acquit both men of all charges that had not already been dismissed. In 1988 the House of Representatives impeached Governor Evan Mecham on three charges: 1) obstruction of justice, 2) false sworn statements relating to official filings made while in office and 3) misuse of funds. After a five-week trial, the Senate dismissed count number 2, convicted him on counts 1 and 3 and removed him from office. However, in a separate vote the Senate failed to disqualify Evan Mecham from subsequently holding public office.

# Chapter Ten

## Legislative Service Agencies

### Legislative Council

**T**he Legislative Council is a statutory committee of the Legislature that is chaired in alternate years by the President of the Senate and the Speaker of the House of Representatives and that includes six additional members from each chamber. The Council staff provide a variety of nonpartisan bill drafting, research, computer, clerical and other administrative services to all of the members of both houses of the Legislature.

Under the direction of an Executive Director appointed by the Council, the professional staff of the Council:

- Prepare all bills, memorials and resolutions and numerous amendments for consideration during each legislative session.
- Review every law passed by the Legislature, make technical corrections and draft explanatory notes where appropriate before delivering the official version of the laws for publication.
- Perform legal and other policy-related research at the request of legislators.
- Publish annual editions of the following reports: *Arizona Legislative Bill Drafting Manual*, the *Arizona Revised Statutes Internal Reference Manual*, the *Annual Report on Defects in the Arizona Revised Statutes and State Constitution* and the *Digest of Laws*.
- Perform the enrolling and engrossing of bills, memorials and resolutions.
- Provide computer support for the House of Representatives, the Senate and additional legislative service agencies.
- Maintain an Internet site for the Legislature. The site provides information regarding the content and status of bills, legislative committees and district boundary maps.

### Joint Legislative Budget Committee

The Joint Legislative Budget Committee (JLBC) is another statutory committee of the Legislature. It is chaired in alternate years by the chairmen of the House and Senate Appropriations Committees and in addition, includes the Majority Leaders of each chamber, the chairman of the Senate Finance Committee, the chairman of the House Ways and Means Committee and five additional members of each chamber's Appropriations Committee.

The primary powers and duties of the JLBC relate to ascertaining facts and making all facets of the state budget, state revenues and expenditures, future fiscal needs and the organization and functions of state government.

Under the direction of a Director appointed by the JLBC, the professional staff of the JLBC provide the following nonpartisan services to the Legislature:

- Analysis and recommendations for the annual state budget, which are presented in January of each year.
- Technical, analytical and preparatory support in the development of appropriations bills considered by the Legislature.
- Periodic economic and state revenue forecasts.
- Periodic analysis of economic activity, state budget conditions and the relationship of one to the other.
- Preparation of fiscal notes on the bills considered by the Legislature that have a fiscal impact on the state or any of its political subdivisions.
- An annual *Appropriations Report*, which is published shortly after the budget is completed and provides detail on the budget along with an explanation of legislative intent.
- Management and fiscal research reports related to state programs and state agency operations.
- Support to the Joint Committee on Capital Review (JCCR) with respect to all capital outlay issues including land acquisition, new construction and building renewal projects.
- Support to the Joint Legislative Tax Committee.

## **Arizona State Library, Archives and Public Records**

The activities of the Arizona State Library, Archives and Public Records are overseen by a board consisting of the President of the Senate, the Speaker of the House and one additional member from each chamber.

The professional staff under the direction of a Director appointed by the board, collect, preserve and provide access to information for the people of Arizona, through libraries, archives, public records, museums and library development services, including:

- Identifying, acquiring, caring for, arranging, describing and making available the permanently valuable public records of Arizona.

- Loaning recorded books and magazines, and the equipment on which to play them, to Arizonans who are blind, visually impaired or physically challenged and cannot use printed materials in the conventional forms.
- Coordinating statewide planning and development of library services.
- Operating the State Capitol Museum, in the original 1900 Capitol building, which presents exhibits and programs on government in the Arizona Territory and early statehood days, and the Arizona Hall of Fame Museum, which presents exhibits honoring Arizona men and women who lived or settled in Arizona.
- Establishing standards, procedures and techniques for effective management of the public records of Arizona state and local government.
- Operating the Research and Law Libraries and the Archives and Genealogy divisions in the Capitol building.

The State Library directs and coordinates the activities of:

- The Historical Advisory Commission, which encourages research, writing and teaching of Arizona history and aids in the preservation of cultural resources.
- The State Board on Geographic and Historic Names, which evaluates proposals for changes in or additions to the names of geographic features and places of historical significance in Arizona. It designates the most appropriate and acceptable names and the spelling of these names for use in maps and official government documents.
- The State Historical Records Advisory Board under the National Archives Program for Grants to the States, which makes proposals to and advises the National Historical Publication and Records Commission on state historical records priorities.

## **Office of the Auditor General**

The Office of the Auditor General provides an independent audit function to help ensure responsible and professional legislative oversight and public accountability for funds administered by the state and certain local governments. The Auditor General is appointed for a five-year term by the Joint Legislative Audit Committee, subject to approval by a majority vote of both houses of the Legislature.

The Auditor General performs financial and performance audits of state agencies and some local governments. The primary responsibilities of the Office include:

- Ascertaining whether public entities are making proper and judicious use of public resources, including public money, personnel, property, equipment and office space.
- Ascertaining whether public entities are complying with applicable laws, rules and governmental accounting and financial reporting standards.
- Defining standards and establishing procedures for accounting and budgeting as

required by the Legislature.

- Providing technical assistance to state and local governmental entities.

## **Ombudsman-Citizens' Aide**

The mission of the Arizona Ombudsman-Citizens' Aide is to improve the effectiveness, efficiency and responsiveness of state government by receiving public complaints, investigating the administrative acts of state agencies and, when warranted, recommending fair and appropriate remedies.

The professional staff of the Ombudsman- Citizens' Aide Office:

- Help citizens interact more effectively with government by arming them with information about their rights and agency policies and procedures and by opening channels of communication between citizens and administrators.
- Redress individual grievances by investigating complaints and working with citizens and agencies to resolve legitimate problems and disputes.
- Prevent recurrence of similar complaints by identifying and correcting patterns of undesirable administrative practices.
- Exonerate state administrators when criticism is unwarranted.
- Respond to requests for assistance from state legislators by investigating especially complex constituent complaints.

## **Ombudsman for Private Property Rights**

*(NOTE: Due to budget limitations, the Ombudsman for Private Property Rights is currently–2003–unfunded, and the office is vacant.)*

The mission of the Office of the Ombudsman for Private Property Rights is to represent the interests of private property owners in proceedings involving governmental action. The professional staff of the Ombudsman's office:

- Research, study and analyze issues that relate to actual or proposed governmental action that would result in the government's taking of private property for which the United States or State Constitution requires the payment of compensation to the private property owner.
- Prepare and present briefs and arguments and intervene or appear on behalf of private property owners in any judicial, legislative or administrative hearing or proceeding.
- Receive complaints and inquiries from private property owners regarding constitutional takings and advise private property owners on issues involving or

relating to constitutional takings.

- Conduct investigations and inquiries and assemble and present evidence to the Arizona Navigable Stream Adjudication Commission regarding the navigability or nonnavigability of watercourses.
- Represent the interests of record title owners of residential, noncommercial, small business and agricultural properties before the Arizona Navigable Stream Adjudication Commission, any state agency, the Legislature and any court regarding any issues related to state claims to the beds of watercourses.

# Chapter Eleven

## Legislative Constituent Services

### ALIS On-line

**A**LIS (Arizona Legislative Information Services) On-line is the Legislature's Internet information service, designed to promote increased public access to, and awareness of, the legislative process in Arizona.

ALIS provides easy access to bills, floor calendars, committee agendas, posting sheets, Arizona Revised Statutes, the Arizona Constitution, legislative district maps, member profiles and a variety of other information that once required a visit to the capitol. Constituents benefit from the convenience of 24-hour access. Please visit the site at <http://www.azleg.state.az.us>.

### Information Desks

The House and Senate each maintain a public information desk in the main lobby of their respective buildings. The desks are staffed throughout the year, and the types of information available at the desks include:

- Agendas including location and time of recent and upcoming committee meetings.
- A summary of actions taken during a current legislative session.
- Copies of bills and amendments adopted during a current legislative session.
- Directions to the offices of members of the Legislature and other legislative offices.

More detailed information concerning the official activity of a current or prior legislative session is available from the Chief Clerk's Office, located on the second floor of the House of Representatives, and the Senate Secretary's Office, located on the second floor of the Senate. These offices maintain complete sets of Session Laws (containing a copy of each enactment passed by the Legislature) and Journals (that contain the official summary of all actions taken in the chamber during each legislative session) and the official minutes of each standing committee of the chamber.

### Visiting the Legislature

Individuals are encouraged to visit the state capitol to witness firsthand the legislative process in action.

During the Legislative Session, the House and Senate galleries, which are located on the third floor of both the House of Representatives and the Senate buildings, are open to the public. From the gallery, which is the balcony area of the House and Senate chambers, legislative floor proceedings may be observed.

Visitors to the gallery are expected to abide by certain common sense rules of conduct. No smoking, eating or drinking; no weapons; no banners, signs or placards; no loud talking, yelling or applause that may interrupt business that is being conducted on the floor is permitted and portable telephones and audible pagers should be turned off. Capacity is limited to the number of seats available. The House gallery seats a maximum of 192 people, and the Senate gallery seats 174 people.

Picture-taking is allowed in the House gallery; however, flashes are not permitted once the presiding officer has struck the gavel, indicating that floor proceedings have begun. Flash camera equipment is not permitted in the Senate gallery.

Guided tours of the Arizona State Capitol Museum and the legislative galleries are available and may be scheduled by contacting the Arizona State Capitol Museum Tour Coordinator at (602) 542-4581. School groups and other groups of 12 or more must preschedule a guided tour. A minimum of 30 days notice is required to schedule a tour, and they are arranged on a first come, first served basis. Tours for the following year may be scheduled as early as August 15th.

Tours are offered at various times on a daily basis throughout the year and generally last about 45 minutes. An additional 30 to 40 minutes should be figured into the schedule, however, if a visit to the legislative gallery is included.

School groups are provided with information packets in advance of the tour so that teachers may prepare their students with background material to help make their visit to the Capitol a meaningful and educational experience.

The Capitol Museum is handicapped accessible, and persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Museum Office at (602) 542-4675. Such requests should be made as early as possible to allow time to arrange for the accommodation.

Public parking is available in Wesley Bolin Memorial Plaza and may be accessed from either Adams Street or Jefferson Street.

## **Hours**

The House of Representatives Building and State Senate Building are open 8:00 a.m.–5:00 p.m., Monday through Friday and closed on state holidays.

The Arizona State Capitol Museum operating hours are 8:00 a.m.–5:00 p.m., Monday through Friday and closed on state holidays.

# Chapter Twelve

## Glossary of Legislative Terms

### A \_\_\_\_\_

*Absolute Majority:* More than ½ of the membership of the entire body, *e.g.*, at least 16 members of the 30-member Senate or at least 31 members of the 60-member House of Representatives. See *Majority Vote*, *Simple Majority*, *Supermajority*.

*Act:* A bill that has been enacted into law. Each act is published as a separate chapter in the session laws.

*Adjournment:* The termination of the day’s proceedings of either a committee or the full house. (1) Regular adjournment sets the date for the next meeting. (2) Adjournment sine die, literally adjournment “without a day,” marks the end of the legislative session and terminates all unfinished business because it does not set a time for reconvening.

*Administrative Procedure Act:* The statutes that govern the adoption of administrative rules and administrative adjudicatory proceedings by executive branch agencies. See A.R.S. Title 41, chapter 6 (§§ 41-1001 et seq.).

*Administrative Rule:* An agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of an agency. Agencies may adopt rules under legislative authority delegated by the Legislature.

*Adoption:* Formal approval or acceptance of motions, amendments or other legislative measures.

*Advise and Consent:* The process, under the American system of checks and balances, by which the Senate reviews and approves or rejects gubernatorial appointments to certain executive offices. See *Confirmation*.

*Agency Bill:* A measure proposed by an executive branch agency, typically intended to enhance or improve the administration of the agency’s responsibilities.

*Agenda:* The official work plan for a committee meeting including a list of specific items of business to be considered.

*ALIS:* Acronym for Arizona Legislative Information System, the Legislature’s computer system.

*Amend:* To alter formally. (1) A bill may propose to amend a statute by changing, deleting or adding statutory text. (2) A measure may be amended by striking or inserting text, or both.

*Amendment:* (1) Any formal modification, deletion or addition that alters the form or substance of statutory text, a legislative measure or a motion. (2) A legislative document or motion that proposes the modification of a legislative measure.

*American Legislative Exchange Council; ALEC:* A nonpartisan individual membership organization of state legislators that favors federalism and a market-based approach to public policy.

*Apportionment:* The division of the state of Arizona into 30 legislative and eight congressional districts with distinct geographic boundaries. Each legislative district contains approximately 1/30 and each congressional district contains approximately 1/8 of the state's population. See *Reapportionment*.

*Appropriation:* A formal legislative allocation of money to a state agency, budget unit or program and the authorization to spend the money for designated lawful purposes.

*Appropriation Limit:* The prohibition of appropriating state revenues in an amount exceeding a percentage of total personal income in Arizona. The limit was originally 7% of total personal income, but minor adjustments have been authorized over the years. See Article IX, § 17, Constitution of Arizona.

*Approval by the Governor:* The Governor's signature on a bill or joint resolution passed by the Legislature.

*Arizona Revised Statutes; A.R.S.:* The codified laws of the State of Arizona. The statutes are published and annotated by private companies but use the arrangement and numbering system assigned by the Legislature.

*Attorney General Opinion:* A written analysis of a question of law prepared by the attorney general for the governor, the head of an executive agency, any legislator or a school district.

*Author:* See *Sponsor*.

*AZNet:* The teleconference system that allows legislators and the public to electronically attend some legislative committees and other proceedings from remote locations around the state.

## **B** \_\_\_\_\_

*Bicameral:* A Legislature composed of two chambers or two legislative bodies. Arizona's bicameral Legislature is made up of the House of Representatives and the Senate. All states have bicameral legislatures except Nebraska, which has only one chamber (unicameral).

*Biennial:* Occurring every two years. (Note: “biannual” means occurring every six months.)

*Biennium:* A two-year period.

*Bill:* A proposed law that has been introduced in either house of the Legislature. A bill creates new law or amends or repeals existing law. Senate bills are numbered consecutively and designated “S.B. 1xxx.” House bills are numbered consecutively and designated “H.B. 2xxx.”

*Bill Drafting:* The writing of bills, memorials and resolutions according to rules, styles and forms described in the bill drafting manual.

*Bill Drafting Manual:* The manual published by Legislative Council that explains the official, uniform system and rules for preparation of all legislative measures.

*Bill Folder:* The Legislative Council file folder that contains the legislator’s documentation for drafting a bill, resolution or memorial. Each request is assigned a bill folder number that is the official designation of the proposed measure before it is introduced and given a bill number. The contents of a bill folder are confidential.

*Bill Number:* The number given to each bill by the Senate secretary or chief clerk of the House when it is introduced. Senate Bills are numbered “S.B. 1xxx” and House bills are numbered “H.B. 2xxx.”

*Bill Status:* The progress of a bill (or other measure) at any given time in the legislative process. The current status can be determined by referring to the computer system (ALIS) that also provides an update on all other legislative action.

*Bill Summary:* The fact sheet prepared by Senate and House staff for bills, resolutions and memorials as they are considered by standing committees.

*Bipartisan:* Interparty cooperation on a matter that is essentially political. See *Nonpartisan, Partisan*.

*Blend:* When the Legislature amends the same statute more than once in the same legislative session, the Executive Director of Legislative Council is authorized to compile and blend compatible amendments of the statute to avoid publishing more than one version of the statute.

*Boilerplate:* Standard bill drafting language common to various subjects and designed to maintain the legal consistency and uniformity of the language of the Arizona Revised Statutes.

*Bond:* (1) A certificate of indebtedness issued by the government in return for money it has borrowed. A promise to pay a specified sum of money at a fixed time in the future and carrying a specified rate of interest. Bonds may be general obligation bonds or revenue bonds. (2) A financial commitment to the state by a state officer or employee to ensure that the person will be honest and faithful in performing official duties (formally called a “surety” bond).

*Box:* Legislative slang for the amount of state revenues remaining for special purpose spending after general appropriations.

*Budget:* A formal plan of government expenditure for a fiscal year or biennium including the means of financing the expenditures.

*Budget Unit:* A state department, commission or other agency of state government that spends or disburses state revenue or incurs obligations against the state.

*By Request:* A phrase used when a sponsor introduces legislation as a favor or at the request of a constituent or another private party or organization but does not necessarily endorse the measure. The words “By Request” appear after a sponsor’s name on the front of the legislation.

## C \_\_\_\_\_

*Calendar:* The list or docket of legislation awaiting action.

*Calendar Day:* Any day listed on the Gregorian calendar. See *Legislative Day*.

*Call:* The formal proclamation issued by the Governor to call the Legislature into a special session, including a list of issues to be addressed in the session.

*Call of the House [Senate]:* A formal proceeding to suspend floor action until a quorum can be assembled on the floor. It includes locking the doors of the chamber and an order for the sergeant at arms to locate and compel the attendance of unexcused members. (See *Quorum Call*.)

*Capital Budget:* A plan of expenditures for land acquisition and construction, repair, engineering and design of facilities and major equipment.

*Capital Outlay Bill:* An appropriation bill that authorizes expenditures of state money for the capital budget needs of the state.

*Caucus:* *n.*, (1) A group of people who share common interests; legislators of the same political party. (2) A meeting of legislators of the same political party to consider legislation, policies and actions. *v.*, To hold or meet in a caucus.

*Chair; Chairman; Chairperson:* The person who presides over a committee.

*Chamber:* See *Floor*.

*Chapter:* An act. The Secretary of State assigns each act a chapter number in the session laws of a legislative session.

*Chief Clerk:* The chief administrative officer of the House of Representatives who is responsible for keeping records of the proceedings of the House, preparing and distributing calendars and other official agenda of the House and transmitting legislation and official correspondence from the House to the Senate and the Governor.

*Christmas Tree Bill:* Legislative slang for a bill, generally considered late in the session, that accumulates numerous amendments, like Christmas tree ornaments, that are attached to attract votes.

*Claims Bill:* The Named Claimant's Relief Act; an appropriations bill to pay various individuals and entities for confirmed losses caused by state government.

*Coalition:* An alliance of factions for some specific purpose.

*Code:* (1) A compilation of laws on a particular subject (*e.g.*, the criminal code). (2) The published Arizona Revised Statutes. (3) The compilation of administrative rules, known as the "administrative code."

*Code Revision:* The process of preparing newly enacted laws for publication in the Arizona Revised Statutes. Legislative Council is responsible for proofreading the new laws, correcting minor technical problems (*e.g.*, misspelled words) and blending multiple amendments of the same statute. See A.R.S. §§ 41-1304.01, 41- 1304.02, 41-1304.03.

*Committee:* A body of legislators appointed to handle certain business and report back to the parent body. See *Standing Committee, Conference Committee, Interim Committee, Statutory Committee, Joint Committee, Committee of the Whole*.

*Committee Amendment:* An amendment recommended to the full house by a majority of a standing committee to which the measure was referred for consideration. Committee amendments must be adopted by the full house to become a part of the measure.

*Committee of the Whole (COW):* The full membership of the Senate or the House of Representatives sitting as a committee to debate legislation and adopt amendments to legislation.

*Committee Staff:* The staff who assist a committee chair and members, typically consisting of a secretary and one or more research analysts.

*Common Law:* The law derived from usages and customs of antiquity and recognized and enforced by courts, as distinguished from the law created by the enactment of legislatures. See *Statute*.

*Companion Bills:* Bills that supplement each other but, for legal, technical, tactical or political reasons, cannot be combined.

*Concurrence:* The action by which one house accepts the amendments made to a measure by the other house.

*Concurrent Memorial:* See *Memorial*.

*Concurrent Resolution:* See *Resolution*.

*Conditional Enactment:* A provision in a bill indicating that is to become effective only if a separate condition occurs, such as an enabling constitutional amendment.

*Conferees:* The legislative members who meet as a conference committee.

- Conference Committee:* A committee with members appointed from each house to resolve differences in a measure as passed by each house and prepare a version of the measure acceptable to both houses. See *Free Conference Committee*, *Simple Conference Committee*.
- Conference Report:* The recommendation of a conference committee to resolve the differences in a measure passed by each house.
- Confirmation:* The process by which the Senate advises and consents to executive appointments made by the Governor. See A.R.S. § 38-211. See *Advise and Consent*.
- Conflict of Interest:* A situation in which a public official may receive personal benefit or harm from taking or withholding public action. A conflict of interest may prevent a legislator from voting on a particular issue.
- Consensus:* A broad agreement that, while not necessarily all-encompassing, embraces enough elements to obtain support from a majority.
- Consent Calendar; Unanimous Consent Calendar:* A list of measures that have been reported without amendment by all standing committees to which they have been assigned. It is used to allow rapid floor consideration of noncontroversial measures. Measures on the consent calendar are not assigned to Committee of the Whole but instead proceed directly to third reading. Any member may protest a measure on a consent calendar during a designated notice period, in which event the measure is removed and routed to Committee of the Whole.
- Constituent:* A citizen who resides in the district of a legislator.
- Constitution:* The written document agreed upon by the people of the United States (the United States Constitution) or Arizona (the State Constitution) as the fundamental and absolute rule for action and decision for the government.
- Constitutional Amendment:* A change to the Constitution of Arizona or to the United States Constitution. Amendments to the Constitution of Arizona may be proposed by the Legislature or by an initiative petition, and in either case must be adopted by a vote of the people. Amendments to the Constitution of the United States must be ratified by the Legislatures of the several states.
- Cosponsor:* A sponsor of a measure other than the prime sponsor. Cosponsors' names appear on the face of the printed measure with the prime sponsor's name.
- Council of State Governments; CSG:* A membership organization of all state executive officers and legislatures in the United States and its possessions for the purpose of research and information on state policy and administrative issues.
- COW:* Legislative slang for Committee of the Whole.

**D**

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*Dead:* Legislative slang for a measure that has been defeated or otherwise removed from consideration for the remainder of the session.

*Debate:* Formal discussion and argument of a matter before a house or committee of the Legislature.

*Deficit; Budget Deficit:* A shortfall between the amount appropriated and the amount of revenues for a fiscal year.

*Dilatory:* Deliberate use of parliamentary procedure to delay.

*Discharge petition:* A procedure to extract a measure from further consideration of all committees and place it on the active calendar of the Committee of the Whole. See *Removal Petition*.

*District:* (1) An “electoral district” is a geographical area designated for representation by one Senator and two Representatives. See *Apportionment, Reapportionment*. (2) A “special taxing district” is a unit of local government, such as a school district, usually having an elected governing board and the power to impose taxes.

*Division:* To repeat a voice vote, this time by standing or by raising hands. If the outcome of a voice vote is uncertain, any member may request a division to verify the vote. A division does not record the vote of individual legislators but only the number of votes for and against the motion. In some Parliamentary countries and provinces a vote on division is taken by the members physically “dividing” themselves to be counted in separate “aye” and “no” lobbies adjacent to the chamber.

*Do Pass:* An affirmative recommendation made by a committee in forwarding a measure to the floor or for further consideration. If the committee proposes an amendment to the measure, the recommendation is that it “do pass as amended.”

*Draft:* *n.*, A written version of a legislative measure that has not yet been formally offered for consideration by the Legislature. *v.*, To prepare a measure for consideration by the Legislature, including discussing, writing, revising, editing, word processing and printing activities.

**E**

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*Effective Date:* The date on which an act takes effect, normally the 91<sup>st</sup> day after the Legislature adjourns sine die (see *General Effective Date*) unless otherwise stated in the act (see *Emergency, Proposition 108*).

*Emergency:* A finding that an act must take effect before the 91<sup>st</sup> day after the Legislature adjourns sine die in order to preserve the public peace, health or safety. If an emergency measure is enacted by a majority vote of each house, it becomes law on the date it is signed by the Governor or, if the Governor vetoes the measure, on the date the veto is overridden by a  $\frac{3}{4}$  majority vote of each house.

*Enabling Act:* The Act of Congress that authorized the process for Arizona to become a state.

*Enabling Legislation:* A bill authorizing a governmental entity, officer or employee to do something.

*Enacting Clause:* The clause “Be it enacted by the Legislature of the State of Arizona” that is required by the State Constitution to head all bills to formally express the legislative sanction and authority.

*Enactment:* *n.*, A legislative measure that has become law. *v.*, The process of creating, changing or repealing a law.

*Engross:* The preparation of an exact and official copy of a measure as passed by a house of the Legislature, including all adopted amendments, before transmitting the measure to the other house.

*Engrossed Bill:* An official copy of a bill as passed by either house of the Legislature containing all amendments adopted by that house. Bills that are engrossed by the House of Representatives are printed on green paper. Bills that are engrossed by the Senate are printed on goldenrod paper. Resolutions and memorials that are engrossed are referred to as engrossed resolutions and engrossed memorials.

*Enrolled Bill:* The official copy of a bill as finally passed in identical form by both houses of the Legislature and transmitted to the Governor. It is the final engrossed bill. Resolutions and memorials that are enrolled are similarly referred to as enrolled resolutions and enrolled memorials.

*Ex Officio:* Membership on a board or committee by virtue of holding another particular office or position.

*Executive Order:* A written order of the governor affecting the operation or organization of an executive branch agency. An executive order has the force of law unless superseded by an act of the Legislature or a subsequent executive order.

*Executive Session:* A meeting of a committee that is closed to the public and the press for purposes of considering any of a limited number of sensitive topics authorized by law. See A.R.S. § 38-431.03.

*Explanation of vote:* An oral statement of a legislator’s reasons for an “aye” or “nay” vote on third reading or final passage of a measure

## **F** \_\_\_\_\_

*Fact Sheet:* A written summary of a bill prepared by research analysts in the House and Senate.

*Feed Bill:* Legislative slang for the general appropriations bill.

*Filibuster:* Artificially prolonging debate on an issue for the purpose of delaying or preventing legislative action.

*Final Passage:* The roll call vote taken on a measure on the floor of each house after all amendments and committee reports have been adopted and incorporated into the measure. This is the last vote on the measure before it is sent to the Governor.

*First Reading:* The initial formal recitation on the chamber floor of a bill, resolution or memorial by number and sections by the reader in either house. It is the first of three readings required by the Constitution of Arizona. In the House a measure is assigned to one or more committees at first reading.

*Fiscal Note:* A statement of revenue implications of proposed legislation, prepared at the request of a legislator by the Joint Legislative Budget Committee.

*Fiscal Year:* Any 12-month accounting period without regard to its relationship to a calendar year. The Arizona state fiscal year is July 1 through June 30.

*Floor:* (1) The interior chamber of either house of the legislature where the full membership convenes. (2) The right to address the members assembled when a house is in session.

*Floor Action:* Consideration and debate by the full House or Senate.

*Floor Amendment:* An amendment, other than a committee amendment, offered by a legislator during floor debate during Committee of the Whole.

*Free Conference Committee:* A conference committee that may propose in its report on a measure any new amendments that are germane to the measure. See *Conference Committee, Simple Conference Committee*.

## **G** \_\_\_\_\_

*Gallery:* (1) The balcony area in the chambers of the Senate and House from which the public may observe legislative proceedings on the floor. (2) The area on the floors of the House and Senate designated for the presence of accredited members of the press corps, generally known as the “press gallery.”

*General Appropriations Bill:* The bill that makes appropriations for the estimated foreseeable expenses of state government for the fiscal years in a biennium. See *Feed Bill, ORB, Supplemental Appropriation*.

*General Effective Date:* The 91st day after the Legislature adjourns sine die. See Article IV, part 1, § 1(3), Constitution of Arizona.

*General Election:* An election to choose officers of the federal, state or local governments. The general election for federal, state and county officers is held on the first Tuesday following the first Monday in November in successive even-numbered years.

*General Fund:* The fund in which most state revenues are deposited and that is available for any legally authorized purpose and used to fund appropriations for the ordinary operations of state government.

*General Law:* A law of general, or potentially general, application throughout the state. See *Local Law*.

*General Obligation Bond:* A certificate of government indebtedness that is backed by the “full faith and credit” of the issuing government. See *Revenue Bond*.

*Germane:* Pertaining to the subject matter of the measure. A bill may address only one subject, and all changes made by the bill to the law and all changes made by amendments to the bill must be relevant and appropriate to that subject. See Article IV, part 2, §§ 13, 20, Constitution of Arizona.

*Gerrymander:* Designing a legislative or congressional district for the purpose of obtaining partisan or factional advantages. See *Apportionment, Reapportionment*.

*Going Home Bill:* Legislative slang for a bill that is imperative to pass before the Legislature, or the bill’s sponsor, can “go home” (adjourn sine die).

*Grandfather Clause:* Legislative slang for saving clause.

*Gut:* Legislative slang for amending a measure to remove its key provisions or to weaken it drastically.

## **H** \_\_\_\_\_

*Hearing:* A formal public session of a committee at which business is conducted or testimony is received.

*Hopper:* The box or other depository in which bills, resolutions and memorials are filed for introduction.

*House:* Generally, either body or chamber of the Legislature. Capitalized, it refers specifically to the House of Representatives.

*House of Origin:* The chamber in which a measure is introduced and that first considers the measure.

*House of Representatives:* The house of the Arizona Legislature consisting of 60 members who are elected from the 30 legislative districts.

## **I** \_\_\_\_\_

*Impeachment:* The formal process of bringing charges of high crimes, misdemeanors or malfeasance against a public official of the state by the House of Representatives. After the House has impeached, the official is tried by the Senate and removed from office if convicted.

*Initiative:* The right of private citizens to propose and enact laws. The proposition is placed on an election ballot through a petition signed by a specified number of voters. See Article IV, part 1, § 1(2), Constitution of Arizona.

*Interim:* The period of time between two regular sessions of the Legislature.

*Interim Committee:* A committee, usually temporary, established to study an issue, make findings and prepare a report during the period between legislative sessions. See *Select Committee*.

*Intern:* One of a group of university students selected each year to work as researchers and assistants in several offices and committees of the Legislature.

*Internal Reference:* A cross-reference or citation within a section of law to another section of law.

*Interstate Compact:* Legislation that is agreed to in identical form by two or more states for the purpose of interstate cooperation.

*Introduction:* The presentation of a bill, resolution or memorial to the Secretary of the Senate or the Chief Clerk of the House of Representatives (see *Hopper*); formally accomplished when the measure is first read on the floor of the Senate or House.

*Introductory Set; Intro Set:* The official package containing copies of a bill, resolution or memorial that has been prepared for introduction and a form that legislators can sign as sponsors of the measure.

*Item Veto:* See *Line-Item Veto*.

## **J** \_\_\_\_\_

*Joint Committee:* A committee composed of members of both houses of the Legislature, sometimes including nonlegislative members as well, usually for the purpose of studying and making recommendations regarding a single issue before the Legislature. Note: Committees may occasionally meet jointly, *i.e.*, two standing committees may meet together to consider matters of mutual interest. These meetings do not constitute a joint committee.

*Joint Resolution:* See *Resolution*.

*Joint Session:* A combined meeting of the Senate and House of Representatives, usually for ceremonial or informational purposes.

*Journal:* The official chronological record that is maintained by each house and that reports essential items of daily business but not a verbatim record. The journals of each house are published after each regular session.

## **L** \_\_\_\_\_

*Lame Duck:* An elected official who continues to hold political office during the interim between the election and inauguration of the person's successor.

*Law:* A binding rule of a community that is enforced by controlling authorities. Statute law is enacted by the Legislature. Common law is set by precedent in court and by interpretation of the Constitution and statute law.

*Leadership:* The elected officers of each house and each caucus.

*Legislation:* The measures enacted or under consideration by the Legislature. These include codified and uncodified statutory law and memorials and resolutions.

*Legislative Day:* A day on which the houses of the Legislature each convene to conduct official business.

*Legislative Immunity:* A limited constitutional privilege for legislators from civil process and arrest during and immediately preceding the legislative session.

*Legislative Intent:* A goal of the Legislature in enacting legislation. Intent may be stated in enacted legislation or may be ascribed from the provisions of the law and circumstances contemporaneous with its enactment. Intent does not have the force of law but may be used to interpret statutory provisions.

*Legislative Rules:* The guidelines by which the Senate, the House of Representatives or a committee governs its activities.

*Legislature:* The lawmaking body of the State of Arizona, composed of 60 Representatives and 30 Senators from 30 districts elected to two-year terms. Each Legislature has a duration of two years, encompassing two regular sessions and any special sessions during that period. Each Legislature is numbered consecutively.

*Line-Item Veto:* The power of the Governor to veto specified items from an appropriation while signing the remainder of the bill into law.

*Line Numbers:* The numbers that appear in the margins of each bill, resolution, memorial and amendment. They are used as reference points in discussing the text of the document and in drafting amendments to the document.

*Lobby:* *n.*, (1) A room at the rear of each chamber set aside for the use of the members and their guests. (2) A group that is organized for the purpose of influencing the opinions and decisions of legislators with respect to some specific area of interest. *v.*, Communicating with public officials on behalf of a person or interest group for the purpose of influencing legislative or administrative action.

*Lobbyist:* A person who is employed or who contracts, with or without compensation, to communicate with public officials on behalf of another person or an interest group for the purpose of influencing legislative or administrative action. See A.R.S. § 41-1231.

*Local Law; Special Law:* A law of local or limited application, affecting only one or more particular areas or classes, such as one or more counties. The Constitution of Arizona prohibits local and special laws on several specific topics and when general law can be made to apply. See Article IX, part 2, § 19, Constitution of Arizona. See *General Law*.

*Loophole:* An unintended use or application of a law, usually to afford an unintended benefit at

the expense of the public.

## M \_\_\_\_\_

*Majority; Majority Party:* The political party (or coalition) to which a majority of the members of a house of the Legislature belongs. A party may be the majority party in one house and the minority party in the other house.

*Majority Leader:* The person selected by the members of the majority political party (or coalition) in a house to be their spokesperson.

*Majority Vote:* A vote of more than ½ of the body. See *Absolute Majority, Simple Majority, Supermajority.*

*Majority Whip:* See *Whip.*

*Mandate; State Mandate:* Anything required by the Legislature by state law, typically a requirement that local government establish, expand or modify its activities in such a way that increases local expenses.

*Mason's Manual:* The publication *Mason's Manual of Legislative Procedure*, which is a procedural and parliamentary manual that supplements the Constitution, statutes and House and Senate Rules.

*Measure:* A piece of legislation (*i.e.*, a bill, resolution or memorial or an amendment to a bill, resolution or memorial) that is before the Legislature for consideration.

*Memorial:* A legislative measure containing a request or proposal that a named recipient (such as Congress or the President of the United States) acknowledge stated facts (contained in clauses introduced by the word “whereas”) and take action in a manner consistent with the request. A memorial is not used to commemorate the dead. A memorial may be “simple” (considered by only one house) or “concurrent” (considered by both houses).

*Message From the Senate or House:* Official communication from the opposite house and read into the official record.

*Minority; Minority Party:* A political party to which fewer than one-half of the members of a house of the Legislature belong.

*Minority Leader:* The person selected by the members of a minority political party in a house to be their spokesperson.

*Minority Report:* A committee report officially stating the position of members who are in the minority on an issue in question (not necessarily in the minority political party).

*Minutes:* A written record summarizing the proceedings of a committee.

*Motion:* A request by a legislator for one of a wide variety of parliamentary actions that formally directs debate on the floor. It is the way, for example, that a legislator introduces a measure for debate on the floor.

**N** \_\_\_\_\_

*National Conference of State Legislatures; NCSL:* A membership organization of all state legislatures in the United States and its possessions for the purpose of research and information on public policy and administrative issues.

*New Language:* The text of a bill that is proposed to be added to existing state law. New language in bills is displayed in ALL CAPITAL LETTERS.

*Ninth Floor:* Legislative slang referring to the Governor or the Governor's office, which is located on the ninth floor of the West Wing of the State Capitol.

*Nonpartisan:* Interparty cooperation on matters without consideration of party politics or not ascribing to any of the political parties. See *Bipartisan, Partisan*.

*"Now" Title:* A revised reference title of a measure after a strike everything amendment has been adopted to reflect the new provisions of the measure and distinguish the current version of the measure from its original version.

**O** \_\_\_\_\_

*Omnibus Bill:* A bill addressing many items or topics under a single subject.

*Open Meeting:* A meeting or session of a public body at which the public may attend. All meetings and sessions of public bodies are required by law to be open except for a limited number of specific cases. See *Executive Session*. See A.R.S. Title 38, chapter 3, article 3.1.

*Operating Budget:* A plan of expenditures other than capital expenditures. Frequently referred to as "maintenance and operation" or "M & O." See *Capital Budget*.

*ORB:* Legislative slang for an "omnibus reconciliation bill." An ORB is a bill that is intended to reduce the cost of state government by providing for increased efficiencies in administration or program management rather than direct reductions in appropriations to the agency or program.

*Order of Business:* The scheduled events and proceedings followed by the Senate and House of Representatives each legislative day, as prescribed by the Senate and House Rules.

*Out of Order:* An expression indicating an event, motion or measure that violates the rules of parliamentary procedure or the rules of the body of the Legislature.

*Override:* To enact a bill after it has been vetoed by the Governor. The Legislature must muster a supermajority vote to override a veto.

*Oversight:* A continuing or periodic review by the Legislature of the way other branches of government administer the law.

## P

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*Page:* A person who works on the chamber floors, in committees and elsewhere on the legislative premises to distribute materials, carry messages and generally facilitate the legislative work flow.

*Parliamentarian:* A legislator, designated by the President or Speaker, who is skilled in parliamentary rules, practice or debate.

*Parliamentary Procedure:* The rules governing order and debate in the Legislature, having generally evolved from the traditional practice of the British Parliament.

*Partisan:* Taking the part of or strongly supporting the position or policy of one political party over another. See *Bipartisan, Nonpartisan*.

*Partisan Staff:* Legislative employees who serve under majority or minority leadership to provide research and administrative support to members of their party.

*Passage:* Adoption of a measure by the House of Representatives or the Senate or a “do pass” recommendation of a measure by a committee.

*Per Diem:* A daily allowance of money for legislators.

*Performance Audit:* An oversight review of an agency or program by the Auditor General or another designated entity to evaluate the results, efficiencies, achievements and other performance indicators of the agency or program.

*Personal Privilege:* Senate and House rules that allow a legislator to explain a personal matter but not discuss or debate an issue during the explanation. It is used, for example, when a legislator wants to introduce a guest or acknowledge someone.

*Personal Services:* A classification of budget expenditure that includes salary, overtime and benefits for personnel.

*Piggyback:* (1) To attach a legislative proposal to a another piece of popular legislation in an effort to get it passed by a house. (2) To incorporate provisions of federal law as a basis on which state law and procedure are constructed.

*Point of Order:* An objection raised by a legislator that the rules of procedure are being violated.

*Point of Personal Privilege:* A statement by a member on the floor of the chamber relating to the member personally or to a member’s rights, reputation or conduct, rather than to the public business of the body. The typical point of personal privilege consists of announcements, personal statements or introductions of visitors.

*Policy Analyst:* See *Research Analyst*.

*Pork Barrel:* Legislative slang for appropriations based on political patronage such as funding for local projects.

*Post Audit:* A review of expenditures after the fact to ensure compliance with applicable laws and rules.

*Postpone Indefinitely:* A procedural action to prevent further action on a legislative measure, without requiring a direct or recorded vote on the merits of the measure.

*Prefiling:* A procedure allowing a legislator to offer a measure for introduction before the legislative session begins.

*Present:* A vote of abstention, neither for or against a motion.

*President:* The presiding officer of the Senate, elected by its members.

*Press Corps:* The members of the news media who cover events at the State Capitol.

*Prime Sponsor:* The lead legislator of a group of legislative sponsors of a measure. The prime sponsor's name appears first on the face of the printed measure. See *Cosponsor*.

*Primary Election:* A preliminary election in which the registered voters of a political party nominate that party's candidates for office.

*Privilege of the Floor:* Permission granted to a nonmember of the body to be in that portion of the legislative chamber during session that is reserved for members and staff personnel.

*Pro Tempore; Pro Tem:* For the time being; temporary. Usually referring to a person who serves as a presiding officer in the absence of the elected presiding officer.

*Proposition:* A proposed enactment of law that is placed on the ballot for approval or rejection by the voters as a result of the initiative or referendum process of direct legislation.

*Proposition 105; Prop 105:* The constitutional prohibition (named after the 1998 general election ballot proposition that enacted it) on legislative amendments of measures and funding that were approved by the voters, except in certain limited circumstances.

*Proposition 108; Prop 108:* The constitutional requirement (named after the 1992 general election ballot proposition that enacted it) that bills that provide for a net increase in state revenues through a new or increased tax or fee or through reduced exemptions or deductions must be approved by a vote of at least 2/3 of the members of each house of the Legislature or, if vetoed by the Governor, the subsequent vote of at least 3/4 of the members of each house. If so enacted, the bill takes effect immediately rather than on the general effective date.

## Q \_\_\_\_\_

*Question; Previous Question:* A parliamentary motion to conclude debate and vote on the issue.

*Quorum:* The minimum number of members of a house or committee required by law or rule to be present before that body can conduct official business.

*Quorum Call:* A proceeding to determine whether a quorum is present on the floor and suspend floor action until sufficient members return. See *Call of the House [Senate]*.

## **R** \_\_\_\_\_

*Rainy Day Fund:* The common name of the state budget stabilization fund. A fund of money set aside to alleviate state financial emergencies.

*Reapportionment; Redistricting:* Realigning legislative and congressional districts after the United States decennial census for the purpose of equalizing the population among the districts.

*Recall:* *n.*, The right of citizens to remove an elected official by an election before the official's term expires. *v.*, To request the return of a measure from the other house or from the Governor by resolution.

*Recess:* A temporary suspension of legislative business. Unlike adjournment, a recess does not end a legislative day and does not interfere with unfinished business.

*Reconsideration:* A parliamentary process by which a motion or question that has been acted on may be brought back before the body again. The motion for reconsideration is subject to the requirements and details prescribed by the rules of the House and the Senate, respectively.

*Reference Title:* A short title of each bill, resolution and memorial that is placed in the upper right-hand corner of the first page. It gives a brief idea of the nature of the measure and aids in indexing, but it is not a part of the substantive law of the measure. See "*Now*" *Title, Title*.

*Referendum:* (1) The right of citizens to prevent enacted legislation from taking effect until the voters either approve or reject the legislation at an election. The referendum is placed on an election ballot through a petition signed by a specified number of voters. See Article IV, part 1, § 1(3), Constitution of Arizona. (2) The choice by the Legislature to submit a proposed law to the voters for approval rather than enacting a bill outright.

*Referral:* Sending or referring a bill or another matter to a committee or committees for consideration and report.

*Regular Session:* The annual session of the Legislature convening on the second Monday in January and continuing through adjournment sine die. Each elected Legislature has two regular sessions: the regular session following the general election (convening in odd-numbered years) is designated the "First Regular Session," and the regular session convening in even-numbered years is designated the "Second Regular Session."

*Removal Petition:* A procedure to extract a measure from the rules committee and place it on the active calendar of the committee of the whole. See *Discharge Petition*.

*Repeal:* To rescind or revoke a law by legislative action.

*Report:* The presentation by a committee on a measure or another matter that was referred to the committee for action.

*Research Analyst:* The professional research staff person who is employed by the Legislature, is assigned to a standing committee and provides research support and analysis to the committee.

*Resolution:* A legislative measure containing a declaration or expression of opinion, will, intent or “resolve” in matters within the Legislature’s legal purview or to conduct the business of the Legislature. A resolution is also used to commemorate the death of prominent public figures. A resolution may be “simple” (considered by only one house), “concurrent” (considered by both houses) or “joint” (considered by both houses and signed by the Governor).

*Revenue Bond:* A certificate of government indebtedness on which the principal and interest are to be paid solely from money generated by the project they finance or from some dedicated “stream” of government revenue. See *General Obligation Bond*.

*Rise and Report:* A motion to adjourn Committee of the Whole.

*Roll Call:* The method of recording attendance at a floor session. Roll calls on the floors of each house are normally conducted electronically.

*Roll Call Vote:* The method of formally counting and recording the votes of individual legislators on a motion. Roll call votes on the floors of each house are normally conducted electronically.

*Rules:* See *Administrative Rules, Legislative Rules*.

*Rules Attorney:* A staff attorney employed to advise the House or Senate Rules Committee and other members of the body regarding constitutional and procedural issues of introduced bills, resolutions and memorials as well as questions regarding House or Senate Rules and procedures.

*Rules Committee:* A standing committee in each house assigned specifically to consider each bill, resolution and memorial for constitutional and format issues before the measure is considered on the floor by the whole house.

## S \_\_\_\_\_

*Saving Clause:* A provision in a bill to exempt a preexisting situation from the requirements of a new law. Sometimes called a “grandfather” clause.

*Second:* To endorse a motion made by another member. The rules of a chamber may dispense with the requirement of a second.

*Second Reading:* The second of the three formal readings of a measure introduced in each house required by the Constitution of Arizona.

*Secretary of the Senate:* The chief administrative officer of the Senate who is responsible for keeping records of the proceedings of the Senate, preparing and distributing calendars and other official agenda of the Senate and transmitting legislation and official correspondence from the Senate to the House of Representatives, the Secretary of State and the Governor.

*Select Committee:* A temporary committee established by either house, or both houses jointly, to study a specific subject area. See *Interim Committee*.

*Senate:* The house of the Arizona Legislature consisting of 30 senators who are elected from the 30 legislative districts.

*Seniority:* Length of service in the House of Representatives, the Senate or the Legislature collectively. It has little official significance but is an informal means of recognizing prior legislative experience by affording personal prerogatives and other deferences.

*Sergeant at Arms:* A nonlegislator selected in each house to maintain order in the chamber under the direction of the President or Speaker.

*Session:* A meeting of the Legislature or the period between convening and adjournment sine die during which the Legislature conducts meetings to enact laws. See *Regular Session*, *Special Session*.

*Session Laws:* (1) All enactments of a legislative session. (2) Uncodified laws of an explanatory or temporary nature.

*Severability:* The legal principle that if a court finds a provision of an act or law to be invalid, the invalid provision will be severed out so that it does not affect the other provisions of the act that can continue to be given effect without the invalid provision. Severability clauses occasionally appear in bills to remind courts of this principle.

*Short Title:* See *Reference Title*.

*Simple Conference Committee:* A conference committee that may address in its report only the points of disagreement between the Senate and House and cannot include any new matter in the report. See *Conference Committee*, *Free Conference Committee*.

*Simple Majority:* More than ½ of the members of the body who are present for a vote. See *Absolute Majority*, *Majority Vote*, *Supermajority*.

*Simple Memorial:* See *Memorial*.

*Simple Resolution:* See *Resolution*.

*Sine Die:* See *Adjournment*.

*Sit COW:* Legislative slang for “sitting as in Committee of the Whole.”

*Sitting as in Committee of the Whole:* A proceeding by which a house may conduct business as if it were in Committee of the Whole. Typically used to adopt minor technical corrections to bills that have already passed out of Committee of the Whole.

*Sound of the Gavel:* A term designating the end of an indefinite recess in proceedings. A meeting that is in recess until “the sound of the gavel” will reconvene when the chairperson determines that all intervening business has been accomplished and the meeting is ready to be gavelled back into session.

*Speaker:* The presiding officer of the House of Representatives, elected by its members.

*Special Law:* See *Local Law*, *General Law*.

*Special Session:* A meeting of the Legislature called by the Governor. A special session may be called on the Governor’s initiative, in which case the Legislature may consider only subjects and issues that the Governor specifies. The Governor must also call a special session on receiving a petition of at least 2/3 of the members of each house of the Legislature, in which case the subjects that the Legislature can consider are not limited. There is no limit on the duration of a special session.

*Spending Limit:* See *Appropriation Limit*.

*Sponsor:* The legislator, legislators or standing committee that authors or agrees to introduce a measure. The sponsor’s name is printed on the front page of the measure.

*Stakeholder:* A person or special interest group that has a specific interest in the enactment or defeat of legislation that goes beyond general public policy reasons.

*Standing Committee:* A permanent committee that is established by the rules of each house of the Legislature to which legislative measures are assigned for consideration.

*State of the State:* An annual address given by the Governor to a joint session of the legislature, patterned after the President’s state of the union message to Congress. The purpose is to provide the Governor’s report on the affairs of state government and to recommend policies and measures the Governor feels necessary.

*Statute:* A law enacted by the Legislature and codified in the Arizona Revised Statutes. See *Common Law*.

*Statutory Committee:* A permanent committee of the Legislature that is established by a statute.

*Stricken Language:* The text in a bill that is proposed to be deleted from existing state law. Stricken language in bills is displayed with strikethrough.

*Strike Everything Amendment:* An amendment to a bill that begins “Strike everything after the enacting clause and insert:”. A strike everything amendment proposes a new version of the bill, sometimes changing the nature of the bill completely, by replacing the provisions previously introduced or adopted.

*Striker:* See *Strike Everything Amendment*.

*Subcommittee:* A subordinate committee composed of members of the full committee appointed by the chair of the full committee. A subcommittee considers a narrower range of topics

than the full committee, usually only one bill, and makes recommendations to the full committee.

*Substitution of Bills:* A shortcut to enactment in which two identical bills are considered by both houses. Then in Committee of the Whole of one of the houses, the bill that has passed the other house is substituted for the identical bill under consideration on the floor and, assuming it passes, thereby avoids having to go through the committees and caucuses of the second house that had already considered the original identical bill.

*Sunrise:* The statutory legislative process of evaluating the desirability of new or increased regulation of a health-related profession. See A.R.S. Title 32, chapter 31.

*Sunset:* The automatic termination of an agency or program on a specific date, requiring reevaluation and reauthorization by the Legislature for the agency or program to continue.

*Supermajority:* A roll call vote of the Legislature that requires more than a simple majority for passage, typically  $2/3$  or  $3/4$  of the members.

*Supplemental Appropriation:* An act appropriating monies in addition to those already appropriated for the fiscal year by the general appropriations bill to cover deficiencies or unexpected needs.

*System is Closed:* The announcement by the presiding officer to indicate that the automatic roll call voting machine has been locked and that members may no longer vote using that system.

*System is Open:* The announcement by the presiding officer to indicate that members may begin recording their votes on the automatic roll call voting machine by activating the appropriate switch on their desks.

## T \_\_\_\_\_

*Technical Amendment; Technical Correction:* An amendment of law that has no substantive effect but is intended only to correct some technical flaw, such as poor grammar, an incorrect cross-reference or an obsolete provision or to combine multiple versions of a statute.

*Teleconference:* A meeting or hearing taking place at two or more locations linked by telecommunication facilities and equipment. Teleconference may be by audio transmission or by both audio and video transmission.

*Term Limits:* A Senator or Representative may not serve more than four consecutive terms in that office as provided by Article IV, part 2, § 21, Constitution of Arizona.

*Third Reading:* The third formal reading of a measure on the floor of the House or Senate, taken after all committee work on the measure is completed and all adopted amendments have been engrossed. On third reading the entire chamber votes on the measure by roll call. Amendments and debate are not allowed on third reading, although members are

allowed to persuasively explain their votes. If passed on third reading, the measure is transmitted to the other house for further action.

*Title:* (1) The formal listing of the contents and description of the subject of a bill, resolution or memorial. The title is a constitutional requirement of every measure and has significant legal effect. See *Reference Title*. (2) The primary subunit of Arizona Revised Statutes.

## U \_\_\_\_\_

*Unanimous Consent Calendar:* See *Consent Calendar*.

*Uniform Act:* Legislation that is recommended by the National Conference of Commissioners on Uniform State Laws for enactment by all states, in substantially identical language, for the purpose of uniformity of application and administration.

*Upstyle:* See *New Language*.

## V \_\_\_\_\_

*Vehicle; Vehicle Bill:* Legislative slang for a bill, memorial or resolution that is introduced in a form that is acknowledged, informally, to be incomplete. Vehicle bills are frequently used when legislative deadlines compel the introduction of legislation before the sponsor has fully developed all of the measure's details or when interested parties are continuing to negotiate and discuss the concepts and details of the legislation at the time it must be introduced. The vehicle then becomes a "placeholder" into which the final provisions will be amended.

*Veto:* An official act of the Governor disapproving a bill passed by the Legislature and nullifying the bill unless the Legislature subsequently overrides the veto.

*Vice-chair; Vice Chairman; Vice-chairperson:* A committee member chosen by the Speaker or President to preside over the committee in the chairman's absence.

*Voice Vote:* An oral vote on a motion decided by the apparent number of voices calling "aye" compared to those calling "no" or "nay." There is no record kept of the members voting or of the number of "ayes" and "nos". See *Division, Roll Call Vote*.

## W \_\_\_\_\_

*Whip:* An assistant to the majority or minority leader. Duties may include marshaling party members in support of party strategy, managing floor action for a political caucus and presiding over meetings of the caucus. The term derives from the British fox hunting term "whipper-in" that describes the person responsible for keeping the foxhounds from leaving the pack.

*Without Objection:* A phrase used by the presiding officer to indicate that a noncontroversial matter is being disposed of without a roll call vote of the members, assuming that there is no opposition to the action.

**Y** \_\_\_\_\_

*Yield:* In debate, the relinquishing of the floor to another member to speak or ask a question.