

How a Bill Becomes a Law



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Michigan's state capitol building in Lansing

Goal:

To provide pharmacy professionals with general information about the Michigan legislature, to aid them in understanding the legislative process of how a bill becomes law and provide two avenues that they can use in order to affect the legislative process

Learning Objectives:

After completing this article, the reader should be able to:

- describe the process of how a bill becomes a law through the Michigan Legislature.
- describe general knowledge about the Michigan Legislature's composition.
- discuss terminology used within the legislative process.
- utilize two different avenues for pharmacy advocacy.

How a Bill Becomes Law

What is the state legislature? We all hear about the “mysterious” government body in Lansing that delegates laws and rules, but rarely do we have the time to attempt to understand what goes on there. Therefore, the goal of this article is to explain the Michigan Legislature and its most important function, in one place and as concise as possible. So, what is the Michigan Legislature and what does it do?

General Information

The Michigan Legislature is a bicameral body, which means that it is comprised of two separate but equal entities commonly referred to as the upper house and lower house. The Senate, which is the upper house, is comprised of 38 members who are elected by the qualified voters of districts having approximately 212,400 to 263,500 residents. Senators are elected simultaneously with the governor, and serve a four-year term in step with the governor's term of office. A senator's term begins on Jan. 1, following the November general election. Another important note about the current Senate composition is that the majority of its members are affiliated with the Republican Party. The House of Representatives (House), which is the lower house, is composed of 110 members who are elected in even-numbered years to two-year terms and are voted in by the qualified voters of districts consisting of approximately 77,000 to 91,000 residents. The House legislative districts are based on population figures obtained through the federal decennial census. The way in which these district boundaries are drawn is extremely important in the world of politics. Currently, unlike the Senate, the House has a Democratic majority. Even though the Michigan Legislature is divided into two distinct entities, their individual members share many of the same responsibilities.

The elected members of each house of the legislature have responsibilities that include levying taxes and appropriating funds; amending the state constitution; and considering initiative petitions. The legislature also oversees the executive branch via administrative rules and audit processes, committees and the budget process, as well as advises and accepts gubernatorial appointments. However, since the beginning of the Michigan Legislature, when it consisted of a mere 16 Senators and 50 Representatives and was located in Detroit, the most important function that it is responsible for is lawmaking. The legislature reviews, drafts and considers approximately 3,500 bills¹ during each two-year session, and of those, approximately 700 to 800 will become law. What are the rules that dictate how the bills and laws are created?

At first glance, the legislative process that propels the Michigan Legislature may seem complex. However, when the process is dissected, it is easy for anyone to comprehend. It is important to not allow the misnomer of complexity to intimidate you; just take it one step at a time. The state legislative process is comprised of 12 relatively simple steps. By discussing each step individually, one will find that the process by which we are governed is not only simple, it is simple enough for all of us to get involved in some way or another.

1. Introduction

A bill can be brought forth by anyone, to either the House of Representatives or the Senate. The House bills brought forth are registered with the Office of the Clerk of the House², and the Senate bills are filed with the Secretary of the Senate³. When the bills are introduced, they are assigned a number. At the beginning of each biennial session⁴, House bills are numbered consecutively starting with House Bill Number 4001 and Senate bills are numbered starting with Senate Bill Number 1.

2. Title Reading

The second step involves reading the title of the introduced bill in front of the legislature. It is mandated in the Michigan Constitution that all proposed bills must be read three times in front of the legislature before it passes. The proposed bills are normally read twice in the Senate and once in the House.

3. Referral to Committee

Once introduced, and the title is read, the bill is referred to a standing committee. In the Senate, the Majority Leader⁵ decides which of the 19 committees⁶ will be delegated the responsibility of reviewing the bill. Similarly, in the House, the Speaker of the House⁷ decides which of the 24 standing committees⁸ will review the proposed law. However, if the bill mandates any appropriations, the bill would go straight to the appropriations committee.

4. The Committee Review

Once the bill has been assigned to a committee, the committee members review, discuss and debate the bill. The members attempt to iron out the details of the legislation. During this review session, the committee might hold public hearings, where the public is allowed to testify about their beliefs on the bill and its consequences. As a side note, with the expertise that pharmacists possess, public hearings are a great way to have

their voices heard, while stepping forward to protect the patient and the profession.

5. The Committee Action

The standing committee that is instructed to review the bill has several courses of action that it may take. The committee may choose to do one of the following:

- a. Report the bill with favorable recommendation
- b. Report the bill with amendments with favorable recommendation
- c. Report the bill with the recommendation that a substitute be adopted
- d. Report the bill without recommendation
- e. Report the bill with amendments but without recommendation
- f. Report the bill with the recommendation that the bill be referred to another committee
- g. Take no action on the bill
- h. Vote to not report the bill out of committee

When the House or the Senate decides to report a bill “without recommendation” or “with amendments but without recommendations,” this means that the bill will be tabled. When a bill is tabled, it takes a majority vote of the members present and voting in the house before the bill can make it back off the table for further consideration. This means that once a bill is tabled, it can be rather difficult to bring the bill back to life.

6. The Committee Reports

If the standing committee reviewing the bill deems that the bill is favorable, with or without amendments, or decides to replace the bill with a favorable substitute bill, then the committee report is published in the “Reports of Standing Committees” in the House or in the Senate in the “Committee Reports.” Each of these journals are updated at the end of each session day; therefore, if one is curious about a committee report, there is a copy available.

7. The General Orders or Second Readings

The seventh step occurs after the committee report is recorded. At this step, the bill travels to the House for the “Second Reading” or the Senate for the “General Order.” These terms are referring to the period where the members of each respected side of the legislature have an opportunity to amend the bill. Once the members vote on the bill, they send it to the “Third Reading,” if there is a majority present for the vote.

8. The Third Reading

At the third reading, either house has the ability to amend the bill. At the conclusion of the reading, the houses reserve the right to pass or defeat the bill by a roll call vote. The members of the legislature are also able to return the bill to committee for further review, postpone the bill indefinitely, postpone the bill until a specific date or table the bill. After the house chooses to either pass or defeat the bill, the members of the legislature still have a two-session window to motion to bring the bill back up for reconsideration if they should so please.

9. A Five-Day Stipulation

This stipulation is a safety net to ensure that the legislature does not move too quickly when trying to pass a bill. It states that no bill can become a law in less than five days.⁹ Therefore, this really is not a step; however, it is important when it comes to legislation creation.

10. An Immediate Effect Option

After the bill is read for the third time and the legislature approves the bill, there is another quirk in the process. Ninety days must expire between the time that the bill is approved and it is enacted. That is unless the legislature determines that the 90-day period is too long and that the bill must become law immediately. In this situation, the members reserve the right to muster up two-thirds of the votes in favor of immediate effect or a specific date they deem appropriate. Then the bill is able to become law immediately after the governor has signed the bill.¹⁰

11. Enactment by the Legislature

Once a bill passes on one side of the Legislature, it then is sent to the other house of the Legislature where it is subjected to the same process. If the bill makes it through the opposite house of Legislature in its identical form, then it is enrolled, or put on record. Then the bill is printed and sent to the governor. However, if the bill is passed by the second house of Legislature in a different form, meaning that there were some sort of amendments made to the legislation or a new bill was substituted, then the bill is returned to the house of origin. Upon returning to the house from which it originated, the bill has a possibility of two different fates. The first fate is that the pro-generators of the bill decide that the amended or substitute bill is satisfactory. Therefore, the bill would be passed, enrolled, printed and sent to the Governor. However, the house of origin might decide that the reforms to the bill are

not satisfactory, which not only complicates the process, it also leads us to the second potential fate.

If the amended or substitute proposal that the second house recommends is rejected in the house of origin, the bill is then sent to a conference committee. This conference committee is a special committee composed of three legislators from each house who have the sole purpose of reaching a compromise over the differences between the two versions of the bill, the original and the amended. The conference committee is only allowed to consider the issues in the bill that result from the disagreement between the two houses. However, when the agreement arrived at by the committee affects other parts of the bill, the committee reserves the right to recommend further amendments to create a bicameral agreement, or recommend corrections to rectify errors in the bills. Once the conference committee has reached a compromise that can be supported by a majority of its members, it then submits a report to the house of origin. If the house approves, the report and bill are transplanted into the second house, where they seek the same approval. If the report is approved in both houses, then the bill is enrolled, printed and sent to the governor. On the other hand, if the conference committee is unable to agree, or one of the houses opts to reject¹¹, then the only alternative is the appointment of a second conference committee. After the second conference committee has met, if the two houses are still unable to agree, then the purposed piece of legislation perishes.

12. The Governor's Decision

If the bill survives this process, it will finally come to rest on the governor's desk. Once the governor receives a bill, the governor has 14 days to consider the bill, during which that person can choose to implement one of three options.

The first option at the governor's disposal is to sign the bill. After opting to sign the bill, it becomes law at the end of 90 days after adjournment; or, if the legislature found it necessary to give the bill an immediate effect or a specific starting date, it will become law after the governor autographs the bill or on that specified date.

The governor's second option is to veto the bill. After the veto decision, the bill is sent back to the house of origin with a note articulating with what the governor disagreed. It is important to mention that the Legislature does have the opportunity to override the governor's veto with a two-thirds majority vote. However, typically a two-thirds

majority is difficult to achieve.

The third option is that the governor can decide to do nothing with the bill. In this case, the bill automatically becomes law after 14 days once it reaches the governor's desk, if the governor should decide not to act in favor or opposition. If this happens at the end of the legislative year, and the required 14 days do not pass before the Legislature adjourns, then the bill dies and does not become law. Therefore, this third option can be a way for the governor to skirt the blame for the consequences of a bill or a polite way to squash a piece of legislation.

12 Step Summary

1. A bill can be **introduced** in the House or the Senate by any concerned party.
2. The bill's **title** must be read at least three times during the process.
3. The bill is then **referred** to a committee.
4. The committee **reviews** the bill.
5. The committee takes one of eight possible courses of **action**.
6. The committee **reports** its findings to the Legislature.
7. The bill to **General Orders/Second Reading** where the respective house decides to push the bill forward or amend the bill.
8. The bill goes to a **Third Reading** and members of the Legislature vote on the measure.
9. **Five days** must past before the bill can be pushed through the Legislature.
10. The Legislature reserves the right to mark the bill for **immediate** enactment.
11. The bill travels to the other house and the process is **repeated**.
12. The **Governor** takes one of three actions: signs, vetoes or does not act.

When and Where to Get Involved

Now that the process of turning a bill into a law is clear, one might wonder, "What can I do to get involved and during which step should I take this action? The complete answer to this question would warrant another continuing education article all together; which would probably be titled, Pharmacy Advocacy. Therefore, for the sake of brevity and not straying too far from the topic at hand, in this article we will only cover two approaches to pharmacy advocacy and the appropriate stages in the legislative process during which they should be implemented.

Approaching the question with a chronological angle as opposed to levels of importance,

the first avenue a pharmacy professional can utilize to advocate on behalf of the profession is contacting his/her legislator and explaining why s/he believes that the legislator should oppose or support a particular piece of legislation. The ways in which pharmacists can contact their legislators include e-mails, handwritten letters, phone calls and scheduling appointments. All of these methods of informing your legislator about your perspective on a particular piece of legislation are not only accepted, but encouraged and recommended by legislators. It is of the utmost importance to all legislators that they are fully aware of their constituents concerns; thus, any hesitance that any pharmacy professional has about potentially pestering their legislator should be dismissed. This method of contact can, and should, be used at anytime throughout the legislative process; however, it stands to reason, that the more time that a legislator has to consider your opinion, the more likely s/he will be to discovering the merit of your claim. With this in mind, the crucial element to this approach is making sure that you stay current and informed about the legislation that is being introduced; therefore, it is extremely useful to participate in pharmacists association networks which investigate bills and contacts its members when the profession needs to take action. By becoming involved with these networks, you will then be able contact your legislator as soon as a bill has been introduced.

The second approach to pharmacy advocacy that is useful in affecting the legislative process is becoming familiar with the committees that have a significant effect on pharmacy, including information about which committees affect pharmacy, their chairpersons and their meetings times. The most important committees in the eyes of pharmacists should be: the House Health Policy Committee, chaired by Rep. Mark Corriveau; the House Community Health Appropriations Subcommittee, chaired by Rep. Gary McDowell; the Senate Health Policy Committee, chaired by Sen. Tom George; and the Senate Department of Community Health Appropriations Subcommittee, chaired by Sen. Roger Kahn. These standing committees, subcommittees and chairpersons have tremendous influence over the legislation that affects the profession of pharmacy. It is important to stay as engaged and current as possible with these committees and chairpersons because this will enable you to contact the legislators to inform them about the problems that pharmacy professionals face and potentially enable you to testify in front of the committees if you so choose.

Legislative Committees of Particular Interest to Pharmacy

Committee and Meeting times	Chairperson	Office Address	Contact
House Health Policy Committee – Tuesday, 10:30 a.m., 519	Rep. Mark Corriveau (D) District 20	Room N-699, Anderson Building	(517) 373-3816 marccorriveau@house.mi.gov corriveau.houseedems.com
House Community Health Appropriations Subcommittee	Rep. Gary McDowell (D) District 107	Room S-1486, Anderson Building	(517) 373-2629 garymcdowell@house.mi.gov mcdowell.houseedems.com
Senate Health Policy Committee – Wednesday, 3 p.m., Senate Hearing Room, Boji	Sen. Tom George (R) District 20	Room 320, Farnum Building	(517) 373-0793 sentgeorge@senate.michigan.gov www.senate.mi.gov/george
Senate Department of Community Health Appropriations Subcommittee	Sen. Roger Kahn (R) District 32	Room 420, Farnum Building	(517) 373-1760 senkahn@senate.michigan.gov www.senate.mi.gov/kahn

Conclusion

This article demonstrates two important aspects of the Michigan Legislature's 12-step legislative process. First, the process is not that complicated at all. When the process is dissected, it becomes another simplistic formulation; the difference is that the input into this formula is a proposal for a law. The other, more important point, to be extracted from this article is that pharmacy professionals' participation in the legislative process are the extraneous variables that have the potential to effect the output (e.g., acquiring the knowledge about the guidelines of the process, writing your legislator or testifying at committee public hearings). Now, that we have seen the process broken down and realized the simplicity of the system, it is paramount that pharmacy professionals become involved. Though some of the legislators in Michigan understand pharmacy, the majority do not. Therefore, they are unaware, not insensitive, to the issues that affect pharmacy. It is every pharmacy professional's responsibility to advocate not only on the behalf of their profession, but also on behalf of the patients that they serve. The patient is a pharmacy professional's main priority in practicing the profession, and now it should be clear that the Michigan Legislature and the legislation that it prescribes can have adverse effects for the patient and the profession. The first step is complete; you have the knowledge about how the Michigan Legislature operates. Now it is time to convert this knowledge into tangible actions. In order to protect the patients, you must protect the profession. In order to protect the profession, you must get involved in the legislative process.

Important Information Regarding Pharmacy Technician Continuing Education Credit

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Michigan Pharmacists Association is accredited by the Accreditation Council for Pharmacy Education (ACPE) as a provider of continuing pharmacy education. ACPE Program #112-000-09-004-H03-P, 1.0 contact hour.

References

- Citizen Participation Guide: www.legislature.mi.gov/documents/Publications/CitizensGuide.pdf
 - Michigan State Legislature: www.michigan.gov/som/0,1607,7-192-29701_29704-2835--,00.html
 - How a bill becomes a law: www.michigan.gov/som/0,1607,7-192-29701_29704-2836--,00.html
- ¹ A bill is a proposed piece of legislation. The goal of the bill's drafter is that the Legislature will eventually accept the proposed legislation.
- ² The Clerk of the House contact information is P.O. Box 30014, Lansing, MI 48909-7514. The phone number is (517) 373-0135.
- ³ The contact information for the Secretary of the Senate is P.O. Box 30036, Lansing, MI 48909-7536. The phone number is (517) 373-2400.
- ⁴ The term "biennial" is defined as an event that occurs every two years.
- ⁵ Currently, the Majority Leader in the Senate is Sen. Michael Bishop, from the 12th district. He is the committee chairperson for the Government Operations and Reform Committee. Sen. Bishop's contact information is: (877) 9-BISHOP; Main office: (517) 373-2417; Fax: (517) 373-2694; E-mail: senmbishop@senate.michigan.gov; Web site: www.senate.mi.gov/bishop; and Office: Room S-106, Capitol Building.
- ⁶ The Senate Standing Committees are Agriculture and Bioeconomy (5); Appropriations (18); Banking and Financial Institutions (7); Campaign and Election Oversight (4); Commerce and Tourism (5); Economic Development and Regulatory Reform (7); Education (5); Energy Policy and Public Utilities (8); Families and Human Services (3); Finance (7); Government Operations and Reform (6); Health Policy (7); Homeland Security and Emerging Technologies (7); Hunting, Fishing and Outdoor Recreation (5); Judiciary (7); Local, Urban and State Affairs (5); Natural Resources and Environmental Affairs (5); Senior Citizens and Veterans Affairs (5); Transportation (5). The numbers contained within the parentheses are the amount of representatives on the committee.
- ⁷ The Speaker of the House is Representative Andy Dillon, from the 17th district. Dillon is on the Appropriations Committee. Dillon's contact information is: (888) REP-DILLON; phone number: (517) 373-0857; E-mail: andydillon@house.mi.gov; Web site: dillon.houseedems.com. His office is located at Room 164, Capitol Building.
- ⁸ The House Standing Committees consist of Agriculture (11); Appropriations (31); Banking And Financial Services (10); Commerce (19); Education (23); Energy and Technology (19); Ethics and Elections (9); Families and Children's Services (9); Government Operations (9); Great Lakes and Environment (15); Health Policy (21); Insurance (17); Inter-governmental and Regional Affairs (11); Judiciary (15); Labor (11); Military and Veterans Affairs and Homeland Security (9); New Economy and Quality of Life (11); Oversight and Investigations (6); Regulatory Reform (11); Senior Health, Security and Retirement (9); Tax Policy (17); Tourism, Outdoor Recreation and Natural Resources (11); Transportation (17); Urban Policy (11). The numbers contained within the parentheses are the amount of representatives on the committee.
- ⁹ Constitution, Art. IV, Sec. 26.
- ¹⁰ Constitution, Art. IV, Sec. 27.
- ¹¹ The reason that I use reject in this situation is because that is the only opinion that the houses have. At this point in the process the houses are not allowed to amend the committee's report or the bill itself.

Continuing Education Self-Assessment Questions

1. The Michigan Legislature is set up as what type of body?
a. Unicameral **b.** Bicameral **c.** Tricameral
2. The Michigan Legislature is responsible for the following:
a. Levying taxes
b. Appropriating funds
c. Amending the state constitution and overseeing the executive branch
d. All of the above
3. Which of the following is not part of the state legislative process on how a bill becomes a law in Michigan?
a. Introduction
b. Committee review
c. General orders or second reading
d. A 15-day stipulation
4. The Michigan House of Representatives is composed of how many members?
a. 16 **b.** 38 **c.** 50 **d.** 110
5. The Michigan Senate is composed of how many members?
a. 16 **b.** 38 **c.** 50 **d.** 110
6. Which party currently holds the majority in the Senate?
a. Republican Party **b.** Democratic Party
7. Which party currently holds the majority in the House?
a. Republican Party **b.** Democratic Party
8. A bill introduced into the Michigan Legislature must be seen by both houses before it can be passed by the Governor.
a. True **b.** False
9. Pharmacy professionals can contact their legislator in which of the following ways?
a. E-mail or handwritten letters
b. Phone calls
c. In Lansing or back in their district
d. All of the above
10. Legislation impacting the profession of pharmacy is commonly referred to the following standing committees except:
a. Senate Health Policy.
b. House Community Health Appropriations Subcommittee.
c. Senate Natural Resources & Environmental Affairs.
d. House Health Policy.

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Address _____ City _____ State _____ Zip _____

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I enclose: Member Fee.....\$6 Nonmember Fee....\$12

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 Poor 1 2 3 4 5 Excellent

2. The author's coverage of the subject material was:
 Incomplete 1 2 3 4 5 Complete

3. How useful will the content of this article be in your practice?
 Not at all 1 2 3 4 5 Very

4. To what degree did the article meet the stated objectives?
 Not at all 1 2 3 4 5 Completely

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Please write the letter of the correct answer to each question in the space provided.

1. _____ 6. _____
2. _____ 7. _____
3. _____ 8. _____
4. _____ 9. _____
5. _____ 10. _____