



SECTION ONE

UNDERSTANDING THE STATE LEGISLATIVE PROCESS

For you to be successful in influencing your state legislature, you must have a basic understanding of the organization and structure of the state government. It is essential to have at least a general idea of how a state legislature functions, as well as an understanding of its basic structure. To the uninitiated, it may appear there is no “system” at all to what goes on in the legislature. Because many state legislatures try to funnel a whole year’s worth of business into a few short months, the pace is frantic, and it is often difficult for the inexperienced bystander to keep track of all the activity taking place at the same time. There is a normal system of state government operation taking place as well as an informal one, and it is important to have insight into both.

While each legislature will vary in specific aspects, there is a common thread that runs through almost all state governments. Most state legislatures now meet every year, although some still meet every other year. While the average state legislature is still a “citizens” legislature in that it does not meet full-time (and the legislators have full-time or part-time positions in areas other than state government),

study committees often hold extensive hearings between legislative sessions. It is important to know whether your legislature meets every year and if it uses interim study committees when the legislature is not in session.

You can obtain information about your state legislature from a variety of sources. It is important to identify what types of information you need. All state legislatures have web pages and many of them provide very helpful information on legislators, the state’s legislative process and specific bill text and history. Some states have handbooks for new legislators. Such a handbook would be ideal for your use, as long as it is not outdated. Many states also publish “blue books” or reference manuals that explain how state government operates. The legislature itself may publish a procedures manual or booklet specifically designed for the general public. Many states have books written by scholars and others who have analyzed and explained the state legislative process.

Once you have determined what you want, the next step is to identify where to get the material. Try one of your legislature’s staff agencies, particularly one with the word

“research” or “reference” in its name. You can also try the public information office of the state legislature. Although your local legislator may be of some help in locating a useful resource guidebook, do not count too heavily on that source. The local library may be of help in gathering the information you require.

Other possible sources of information about your state government include the state medical society, the state hospital association, the state Chamber of Commerce, and the League of Women Voters. You may be aware of other organizations in your state that are active legislatively and able to provide assistance.

To successfully influence your state legislature can be extremely hard work. It is essential that you take the time to acquire the requisite knowledge concerning the operation and structure of your state government.

The Two Chambers of State Government

State legislatures are made up of three theoretically equal branches of government: the Judiciary Branch (or Court System), the Executive Branch (Governor), and the Legislative Branch. Of these three, the Legislative Branch is the policy making portion of state government. It is the duty of the legislature to make laws for the state. Some examples of the many laws for which the legislature is responsible include those that protect public health, provide a uniform system of taxation to support government services and programs, maintain and support the public school system, and provide for the protection of natural resources.

It is important to understand that although the legislative branch can pass a bill that is signed into law by the Governor, often times the law requires a state agency or department to adopt regulations in response to the legislation. These state agencies or departments in turn write regulations and usually have a formal period in which the proposed regulations are open for public comment. It is during this period when physicians can further influence the “rule making” prior to adoption of the regulations that will ultimately become law. States have different means of disseminating

proposed regulations and many publish a “State Register” which can often be found on the Internet (please refer to Section Fifteen, “Regulatory Agencies.”)

With the exception of Nebraska, all state legislatures are bicameral, which means that they consist of two houses, the Senate and the House of Representatives. In some states, the House of Representatives may also be called the assembly or House of Delegates. The seats or representation in both houses are usually apportioned on the basis of population. Nebraska is the only unicameral (or one-house) legislature among the 50 states.

General Legislative Responsibilities

The house and senate are the policymakers of the state government system. Most legislatures begin in January and complete their session by May or June. A few state legislatures meet into the summer and some meet year round, although this situation becomes clouded because some states hold special sessions rather frequently.

All state legislatures have a responsibility to set the tone and direction of policy within the state. This point is especially important with respect to the state role in determining health care policy. Traditionally, the health-related activities of state and local government are public health, including health monitoring, sanitation, and disease control; the financing and delivery of health services, including Medicaid, mental health, and direct delivery through public hospitals and health departments; environmental protection, including protection against manmade environmental and occupational hazards; and the regulation of the providers of medical care, through certificate-of-need, state rate-setting, and licensing functions. Licensing of health care professionals is conducted by state medical boards. A separate board or agency may oversee ancillary providers such as advanced practice nurses, physician assistants, and EMTs.

Today, the various health-related activities of state government are a significant part of the activity of state legislatures. In recent years, states have seen dramatic increases in the

portion of their budgets consumed by health care costs. Medicaid alone often represents a significant percentage of all state expenditures. With the gap widening between needs and the resources available to meet them, the responsibilities of state legislatures, in terms of health care, will be scrutinized constantly by medical organizations.

Committees in the Legislature

Committees play a vital role in the state legislative system. Legislative bodies conduct most of their work through their committees and the committee process. Each house of the legislature has an internal structure made up of these committees, which, for the most part, carry out the day-to-day operations of the legislature. The number of committees in the senate or house may vary from fewer than ten to more than 30. Committees have a life-or-death hold on bills assigned to them, as it is the responsibility of the committee to prepare the bill for floor debate, line up support, or decide to quietly “bury” the legislation.

Committee chairpersons are an integral part of the committee process because they wield a great deal of power within the legislative leadership. Because they often determine when and if a particular piece of legislation will be considered within their committee, the chairpersons necessarily have the same type of hold on bills as the committee.

Committees are usually divided into such subject areas as public health, agriculture, state affairs, and education. These are usually referred to as “policy committees.” When dealing with the committee process, one can usually focus on a small subset of a state legislature’s committees. For instance, ACEP members in Pennsylvania would probably be interested primarily in the Senate Committee on Public Health and Welfare or the House Committee on Health and Welfare. Members in Michigan would probably concentrate their efforts on the Senate Committee on Health and Social Services or the House Committee on Public Health.

Within each legislature, there are also “fiscal committees,” usually one in each legislative body (house and senate). These

committees consider and vote on legislation that has been approved by a policy committee and that may have a financial impact on the state.

A number of states have standing committees and joint committees. A standing committee is usually considered to be permanent, at least from legislative session to legislative session. A joint committee, when it exists, serves both houses of legislature concurrently. An example of a joint committee might be the administrative rules committee of the legislature.

Significant Leadership in the Legislature

Some type of hierarchy is usually evident in each legislative body of the state.

Senate

In the Senate, the top leadership position is either the president or the president pro tempore. In states where the lieutenant governor presides over the Senate, the majority of the Senate will elect a president pro tempore, who normally is the true presiding officer in the senate. Other important figures in the Senate include: (1) the majority leader, as spokesperson for the Senate, presents executive programs to the Senate and conveys the feelings of the majority party to the Executive Branch; (2) the majority floor leader, the number two position in party leadership, helps plan party strategy and engages in floor debate to promote majority programs and defeat those opposed by the party; (3) the minority leader provides guidance to the minority party in legislative decision-making, introduces legislation, and acts as chief negotiator with the Executive Branch and the majority party; and (4) the minority floor leader assists the minority leader in legislative decision-making and in handling legislative matters on the floor of the Senate.

Senate

- President of the Senate
- President Pro Tempore
- Majority Leader
- Majority Floor Leader
- Minority Leader
- Minority Floor Leader

House of Representatives (or Assembly)

In the House of Representatives (or assembly), the speaker is regarded as the leader. The speaker is elected by a majority vote of the house and, therefore, is usually a member of the majority party. The speaker has more authority and greater responsibility than any other member of the legislature. This person is the presiding officer of the house, appoints all committees and most employees of the house, and votes on all matters.

Other important house leaders usually include (1) the speaker pro tempore, who assumes the duties of the speaker in the event of the latter's absence or in the event the speaker wishes to act as a representative; (2) the majority floor leader, who conducts the day-to-day business of the house; (3) the minority leader, who usually recommends minority committee assignments and designates minority house members; and (4) the minority floor leader, who is responsible for handling legislation on the floor of the house and for minority party procedural matters.

House or Assembly

- Speaker
- Speaker Pro Tempore
- Majority Floor Leader
- Minority Leader
- Minority Floor Leader

Key Players

In addition to the legislators, there are a number of other individuals who, depending on the state, may be involved in the legislative process. This list includes the key legislators' personal staff, committee consultants, and legislative analysts.

The Executive Branch of State Government

Because a particular piece of legislation typically must be signed by the governor after the house and senate have passed it in order for the bill to become law, the Executive Branch of state government should not be overlooked in discussions concerning the state legislative process. In most states, the governor has the

power to veto or kill a bill once it is passed by the legislature. Many governors have line-item veto power that allows them to veto only the sections of bills they oppose.

The administrative operation of state government is carried out by a number of departments, commissions, and boards. The governor appoints the members of most of these agencies (usually with the advice and consent of the Senate). The governor is also responsible for the state's military forces, which may be called on to execute the laws as established by the state legislature.

Probably the most important aspect of the governor's duties is the responsibility for preparing the budget for the coming year and submitting it to the legislature. Through this vehicle, the governor is able to establish the groundwork for the coming year's activities and set the policy course that the state will follow.