

How a bill really becomes law in Kentucky. It will make you ill

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When the folks did the “Schoolhouse Rock!” videos of the 1970s, they had obviously never been to Kentucky. At least not the ones who made “I’m Just a Bill.”

That video, voiced by the great Jack Sheldon, was about how federal legislation becomes law. In theory, it also would have explained how laws are made in Kentucky and other states with a House and Senate as well.

But the problem, in Kentucky at least, is that a schoolbook explanation of how bills become law really doesn’t work.

If you believe in government transparency, the process is really sickening.

I’m just a bill Yes, I’m only a bill And I think that you are gonna be ill. At least the civics-class-“Schoolhouse Rock!” explanation doesn’t work in this day and age in which a few legislative leaders call all the shots about what legislation stalls, what moves — and they won’t countenance any sort of opposition.

And they use the system, dear voter, to make sure you don’t know what’s going on until after it’s done.

Now, if the bill isn’t controversial, it often works the way “I’m Just a Bill” works.

A legislator files a bill. It passes out of committee. It’s approved on the floor of the chamber it originates in, and then moves to the other chamber. Then the governor signs it.

“He signed you, Bill! Now you’re a law!” as the old cartoon says.

But if the bill is controversial, the rules don't apply.

Well, it's a long, long journey To Frankfort Kentucky. You won't find what I'm up to unless you're very, very lucky But I know I'll be a law some day At least I hope and pray that I will But today I will just make you ill.

Here's how it works in the real world.

Once a legislator files a bill, it's assigned to a committee and the chamber's leaders (the ones in the majority party, at least) decide if they'll let the bill pass.

Sometimes, they'll require that a majority of their party be in favor of the bill before allowing it to move.

Under this process, even if nearly half the Republicans favor a measure and all the Democrats back it, it's never going to get a vote on the floor. It's called the "Hastert Rule," named after former U.S. House Speaker Dennis Hastert, who was later indicted for paying hush money to men he had sexually abused when they were teenagers.

Bills are required in Kentucky to have three floor readings before they can be voted on. This, in theory, helps you track bills and tell your legislators where you stand.

The normal process is for bills to go to committee and, once approved there, be sent back to the floor for the required readings on different days.

But that's not how the Republicans in Kentucky do it.

Before it's called for a committee vote, the House or the Senate often pull the bill from the committee, give it its two preliminary readings on the floor, and then send it back to committee for approval there.

When the bill is finally called in committee, the chairman will then offer a "committee substitute," an amended version of the bill that the committee chairman and party leaders want to pass.

This doesn't seem like a big thing. But it is. When the bill is passed out of committee, it heads back to the House or Senate, where it is often voted on that very same day.

But since the chamber will be voting on the “committee substitute” and not the original bill, any amendments filed by the minority party (in this case, Democrats) are ruled out of order because the amendments were filed to the original bill.

And because they’re voting on the bill the same day it cleared committee as a committee substitute, members that want to offer amendments can’t file those amendments on time because legislative rules require all amendments be filed at least one day before the measure is called for a vote.

I’m just a bill Yes I’m only a bill, And I think that you are gonna be ill. Well, now I’m stuck in committee And I’ll sit here and wait While a couple House leaders agree to switch and to bait.

And make me into what I’m not How I hope and pray that they will, But today I will still make you ill.

So, then once the bill clears the first house, it heads to the other end of the Capitol building where, as they say in the “I’m just a bill” video, the whole thing starts all over again.

Now, when the bill clears the other chamber in a different form, it really starts to get messy.

Both the House and Senate leaders appoint what is called a “conference committee,” which is empowered to approve one of the two versions of the bill and send that version of the bill back to the chambers for final approval.

But the conference committee rarely comes to an agreement on whether to accept the House or Senate version. And so legislative leaders then appoint a “free conference committee,” which is free to include anything at all in the final version of the bill.

This is where the real shenanigans often take place. You might find pet projects funded in these bills — parts of other controversial measures that failed because of public opposition earlier in the session, or new ideas that have not been discussed publicly at all wind up in the “free conference committee report.”

Those measures are then sent back to the chambers and voted out with little discussion — often with the minority party complaining they haven’t had time to

read the 567-page free conference report because it hasn't even been uploaded to the legislature's computer system.

(This part of the screwy process can't be blamed on Republicans, as Democrats did this for years when they controlled the chambers.)

Ugh. The bill then goes to the governor, who can either sign or veto the measure.

Most vetoes in Kentucky are pretty meaningless because it only takes a majority of members of each house to override the governor. A presidential veto requires a two-thirds vote in each chamber of Congress to override in Washington, D.C.

I'm just a bill Yes, I'm only a bill And I think that you are gonna be ill. Well, then I'm off to the governor Where he likely can't stop me. I'll be ground up so fine I'll look more like sausage than pastrami. And if he signs me, then I'll be a law. Even if I'm hi-jacked by a shill, But today I will still make you ill. Joseph Gerth can be reached at 502-582-4702 or by email at jgerth@courierjournal.com .

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